

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6330 OF 2015

**Thane Municipal Corporation : Petitioner
versus
Shamrao Ramdas Korde : Respondent.**

**ALONG WITH
CIVIL APPLICATION NO.2106 OF 2015
IN
WRIT PETITION NO.6330 of 2015**

Sau. Neeta Madan Kadam : Applicant.

In the matter between

**Thane Municipal Corporation : Petitioner
versus
Shamrao Ramdas Korde : Respondent.**

**Mr. A R Pitale for the Petitioner in Writ Petition.
Mr. R D Soni with mr. Sujay Gawade i/by Shree & Co. for the Respondent.
Mr. Sandesh D Patil for the Applicant in Civil Application.**

**CORAM : R. M. SAVANT, J.
DATE : 16th October 2015**

P.C.

1 The above Petition was adjourned on 13/10/2015 so as to enable the learned counsel for the Petitioner Shri A R Pitale to take instructions as to whether the order dated 13/06/2012 impugned in the suit passed under Section 260(2) of the Maharashtra Municipal Corporations Act would be withdrawn by the Thane Municipal Corporation and the Municipal Corporation would offer fresh opportunity to the Respondent-original Plaintiff and

thereafter pass a fresh order. Today, the learned counsel for the Petitioner Shri A R Pitale on instructions of Smt. Nayana Sasane, the Assistant Commissioner, Railadevi Ward, who is personally present in Court, makes a statement that the said order dated 13/06/2012 would be withdrawn by the Municipal Corporation and that a fresh notice would be issued and thereafter a fresh order would be passed after offering an opportunity to the Respondent – Plaintiff. Statement accepted.

2 In view of the aforesaid statement of the learned counsel for the Petitioner Shri A R Pitale, the learned counsel appearing for the Respondent – Plaintiff Shri R D Soni, on the instructions of the Respondent-Plaintiff who is personally present in Court, states that the suit in question would be withdrawn by the Respondent – Plaintiff as also the application being Misc. Application No.570 of 2014 which is pending in the Trial Court filed under Order XXXIX Rule 2A of the Code of Civil Procedure. Statement accepted.

3 In view of the withdrawal of the suit, the above Writ Petition challenging the interlocutory orders passed therein does not survive. Both the orders are accordingly set aside. The above Writ Petition is accordingly disposed of as having infructuous. It is expected of the Municipal Corporation that it will act with reasonable despatch considering the fact that it is its own allegation that the structure in question is unauthorized. Needless to state

that the contentions of the parties are kept open for being urged before the Competent Authority of the Municipal Corporation.

4 In view of the disposal of the above Writ Petition, Civil Application No.2106 of 2015 for intervention does not survive and the same to accordingly stand disposed of as such.

[R.M.SAVANT, J]