

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

WRIT PETITION NO.10308 OF 2014

Maruti Balwant Shewale	.. Petitioner.
Vs.	
The Municipal Corporation of City of Pune & Ors.	.. Respondents.

Mr. Nitin P. Deshpande for the Petitioner.

CORAM : A.K. MENON, J.

DATED : 9TH OCTOBER, 2015

P.C. :

1. The present petition challenges the judgment and decree of the Adhoc District Judge-5, Pune in Civil Appeal No.277 of 2013 dated 30th August, 2014 whereby the petitioner's appeal came to be dismissed. The petitioner was initially ordered to vacate pursuant to the order passed by the Deputy Commissioner, Galichha Vasti, Pune. The appellant thereafter filed an application under the Maharashtra Provincial Municipal Corporation Act, 1949 which came to be dismissed as aforesaid.

2. The issue forming subject matter of the order of the Deputy Commissioner which was subject matter of the challenge has since been decided by a Division Bench of this Court in the case of Ramchandra Jivatram

Chetwani Vs. Pune Municipal Corporation & Ors. 2013 (1) All MR 6491. In view of settled position of law the challenge to the order of Deputy Commissioner cannot survive and there is no case for interference in this petition. The petition is therefore dismissed. There will be no order as to costs.

(A.K.MENON, J.)