

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L.) NO.1557 OF 2015

Venkat Ailaiya Bhasha Boina and Ors. ... Petitioners
Vs.
Mumbai Municipal Corporation and Anr. ... Respondents

Mr. M.M. Vashi, Senior Counsel a/w Ms. Aparna Devkar i/by M/s. M.P. Vashi & Associates, for the Petitioners.

Mrs. Shobha Ajitkumar, for the Respondent No.1 – BMC.

Mr. Shevale, Senior Inspector of License 'S' Ward.

Mr. A.S. Chavan, Sub-Engineer, Maintenance Department, 'S' Ward.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 8th JUNE, 2015

PC.

. The learned counsel appearing for the Mumbai Municipal Corporation, on instructions of Shri. Shevale and Shri A.S. Chavan, who are personally present in the Court, states that the Municipal Corporation will withdraw the impugned notice dated 21st May, 2015 as the Municipal Corporation wants to issue a fresh notice.

2. The learned counsel appearing for the Petitioners submits that before issuing a fresh notice calling upon the Petitioners to move

their stalls, the Petitioners are required to be heard. The said contention is disputed by the learned counsel appearing for the Municipal Corporation. As the impugned notice is being withdrawn, it is not necessary for us to deal with the said contention. The issue based on the said contention is kept open.

3. We accept the statement made by the learned counsel appearing for the Municipal Corporation, on instructions. As the notice dated 21st May, 2015 is being withdrawn, nothing survives in the Petition and the same is disposed of. If a fresh notice is issued by the Municipal Corporation to the Petitioners or to the persons whose names are mentioned in Exhibit -'A' to the Petition calling upon them to vacate their stalls, the same shall not be acted upon for a period of two weeks from the date on which the notice is served to them.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)