

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2109 OF 2010**

Paul Esteven D' Souza & Anr.

...Petitioners.

V/s.

Brihan Mumbai Mahanagar Palikha & Ors.

...Respondents.

Mr. J. M. D'Silva for the petitioners.

Mrs. Shobha Ajitkumar for respondent no.1/BMC.

Mr. Sushil K. Chaurasia for respondent no.3.

CORAM : A.S.OKA &

G. S. PATEL,JJ.

DATE : 20th NOVEMBER, 2015

P.C.:

. Not on board. Taken on board.

2. The learned counsel appearing for the petitioners has tendered an undertaking of the first petitioner which is filed for himself and on behalf of the second petitioner. The undertaking is taken on record and marked 'X-1' for identification.

3. In view of the undertaking, it is apparent that the petitioners have accepted the correctness of the impugned notice/order dated 17 September 2009 issued under section 55 of the Maharashtra Regional and Town Planning Act, 1966. Hence, in view of the undertaking, nothing survives in this petition. We dispose of the petition by passing the following order:

ORDER

- i) The undertaking marked as 'X-1' is accepted;
- ii) In view of the undertaking, the petition is dismissed;

iii) In view of the undertaking, the action of demolition on the basis of notice/order dated 17 September 2009 shall not be taken for a period of 4 weeks from today. On the failure of the petitioner to comply with the undertaking, immediately on expiry of 4 weeks from today, the Municipal Corporation shall proceed to take action on the basis of impugned notice/order dated 17 September 2009.

(G. S. PATEL, J.)

(A. S. OKA, J.)