

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR
BENCH, NAGPUR.

MCA NO.1112 OF 2014 (FOR RESTORATION)

IN

WRIT PETITION NO.464 OF 2002 (D)

Mrs. Shashikala w/o Vasant Moon

..vs..

**State of Mah., thr its Secretary, Urban Development Department,
Mantralaya, Mumbai and anr**

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Shri A.N. Tirukh, ,counsel for the applicant.
Shri A.S. Fulzele, AGP for NA No.1/Resp.

CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
DATE : FEBRUARY 4, 2015.

Heard.

Shri A.N. Tirukh, learned counsel for the applicant, relies upon the facts stated in the application to seek restoration of the writ petition. He also adds that the challenge in writ petition itself has become infructuous. He, therefore, requests the Court to consider restoration of writ petition then seek its disposal as infructuous.

Shri A.S. Fulzele, learned Assistant Government Pleader, appears for the State Government. He submits that the impugned

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action was taken by the Nagpur Municipal Corporation.

Nobody appears for the Nagpur Municipal Corporation.

The application shows that earlier Counsel had withdrawn himself and hence, the applicant cannot be blamed in the matter. We, therefore, recall of order dated 28.8.2014 and restore Writ Petition No.464 of 2002 back to its file.

Writ Petition No.464 of 2002

Heard.

Respondent No.2 - Corporation is not served after restoration. However, as learned counsel for the petitioner submits the challenge in the writ petition is rendered infructuous, we dismiss the petition as infructuous. As such, it is not necessary to serve notice upon respondent No.2 – Corporation. No order is passed to its prejudice in the matter.

The writ petition is dismissed accordingly. The Rule is discharged. No costs.

JUDGE

JUDGE

!! BRW !!

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