

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

WRIT PETITION NO. 27 OF 2016

Canara Bank, Kalyan (Main) Branch ... Petitioner.
V/s.
Kalyan Dombivali Municipal Corporation
& Ors. ... Respondents.

**WITH
WRIT PETITION NO. 87 OF 2016
WITH
WRIT PETITION NO. 171 OF 2016
WITH
WRIT PETITION NO. 173 OF 2016**

Mr. Dipak Mangallal Popat & Anr. ... Petitioners.
V/s.
Kalyan Dombivali Municipal Corporation
& Ors. ... Respondents.

Ms. Vaishali Bhilare, Advocate for the Petitioner in WP No. 27 / 2016.
Mr. S. M. Oak i/by Mr. Sagar A. Joshi, Advocate for the Petitioners in WP Nos. 87/2016, 171/2016 & 173/2016.
Mr. P. K. Dhakephalkar, Senior Advocate a/w. Mr. A.S. Rao, Advocate for Respondent No.1 in all the petitions.
Mr. V. P. Malvankar, AGP, 'A' Panel, for the State.

**CORAM : A.S.OKA & C.V.BHADANG, JJ.
DATE : 18th JANUARY, 2016.**

P.C. :

1 Learned senior counsel representing the Kalyan Dombivali Municipal Corporation, on instructions of the Municipal Commissioner, who is personally present in the

Court, states that the Municipal Corporation will withdraw the impugned notices issued under section 211 of the Maharashtra Municipal Corporations Act, 1949. He states that a liberty may be reserved to initiate appropriate action for demolition of the structures which are the subject matter of these petitions, in accordance with law.

2 In view of the above statement made on behalf of the Municipal Corporation, nothing survives in these petitions. Hence, we pass following order :

ORDER

- i. The impugned notices stand withdrawn and hence, these Petitions do not survive, as action cannot be taken on the basis of the impugned notices;
- ii. We make it clear that the withdrawal of the impugned notices will not prevent the Municipal Corporation from initiating action in accordance with law, for demolition of the structure or part of the structure held by the Petitioners; and
- iii. We make it clear that no such action shall be taken without following the principles of natural justice.
- iv. All these Petitions stand disposed of with the aforesaid directions.

(C.V. BHADANG,J.)

(A.S. OKA, J.)