

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

WRIT PETITION NO. 176 OF 2016

Mr. Anil Girdharilal Sharma & Anr. ... Petitioners.
V/s.
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 179 OF 2016**

Mr. Premjibhai Bhimshi Gada & Anr. ... Petitioners.
V/s.
The State of Maharashtra & Ors. ... Respondents.

Mr. Rahul Shivaji Kadam, Advocate for the Petitioners in both petitions.

Mr. P. K. Dhakephalkar, Senior Advocate a/w. Mr. A.S. Rao, Advocate for Respondent No.2 in both 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- i. The impugned notices stand withdrawn and hence, these Petitions do not survive, as action cannot be taken on the basis of the impugned notices;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. Both these Petitions stand disposed of with the aforesaid directions.

(C.V. BHADANG,J.)

(A.S. OKA, J.)

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