

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

**WRIT PETITION NO. 287 OF 2016**

Suryakant Anandji Sangoi ... Petitioner.  
V/s.  
The State of Maharashtra & Ors. ... Respondents.

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Mr. Rahul Shivaji Kadam, Advocate for the Petitioner.  
Mrs. M.P. Thakur, AGP for Respondent No.1-State.  
Mr. P. K. Dhakephalkar, Senior Advocate a/w. Mr. A.S. Rao,  
Advocate for Respondent Nos. 2 to 4.

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**CORAM : A.S.OKA & C.V.BHADANG,JJ.  
DATE : 18<sup>th</sup> 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 notice issued under section 211 of the Maharashtra Municipal Corporations Act, 1949. He submits that a liberty may be reserved to initiate appropriate action for demolition of the structures subject matter of this petitions, in accordance with law.

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

## ORDER

- i. The impugned notice stands withdrawn and hence, the Petition does not survive, as now action cannot be taken on the basis of the impugned notice;
- ii. We make it clear that the withdrawal of the impugned notice 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 Petitioner.
- iii. We make it clear that no such action shall be taken without following principles of natural justice.
- iv. The Petition stands disposed of with the aforesaid directions.

(C.V. BHADANG,J.)

(A.S. OKA, J.)

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