

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10983 OF 2016

Jaiprakash Vishwanath Jaiswal ... Petitioner
Vs.
Kalyan Dombivali Municipal Corporation and others ... Respondents

WITH
WRIT PETITION NO.10984 OF 2016

Soti Lal Barsati Gupta ... Petitioner
Vs.
Kalyan Dombivali Municipal Corporation and others ... Respondents

WITH
WRIT PETITION (ST.) NO.23962 OF 2016

Sita Tribhuvan Jaiswal ... Petitioner
Vs.
Kalyan Dombivali Municipal Corporation and others ... Respondents

Mr. N. V. Walawalkar, Senior Advocate a/w. Mr. A. K. Dubey i/b. Mr. S. M. Sabrad for Petitioners in all the Petitions.
Mr. A. S. Rao for Respondents No.1(a) & 1(b) in all the Petitions.
Mr. Rajesh S. Datar a/w. Mr. Prashant Kamble for Respondent No.2 in all the Petitions.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 05, 2016

P.C. :

Heard Mr. Walawalkar, learned Senior Counsel for petitioners, Mr. Rao, learned Counsel for respondents No.1(a) and 1(b) and Mr. Datar, learned Counsel for respondent No.2 in all the Petitions.

2. On 01.12.2016, matter was adjourned to 05.12.2016 for passing orders. Mr. Rao, upon taking instructions from Municipal Commissioner of respondent No.1, states that in all the Petitions, respondent No.1 had issued notices under Sections 260 read with Section 478 of the Maharashtra Municipal Corporations Act.

Respondent No.1 withdraws these notices. He submits that as the notices stand withdrawn, petitioners Suits do not survive and the same may also be disposed of. He further states that respondent No.1 will carry out inspection of the suit premises in accordance with law and take further steps, if so advised.

3. Statement made by Mr. Rao, on instructions, is accepted. As the notices impugned in the Suits stand withdrawn, these Petitions do not survive and are disposed of as such. At the same time, petitioners shall file purshis in the trial Court for withdrawal of the Suits. If such purshis is filed, the learned trial Judge shall pass order of withdrawal of the Suits. Liberty is reserved to the respondent No.1 to carry out inspection of the suit premises in accordance with law. All contentions of the parties on merits, in future, are kept open. Order accordingly.

(R. G. KETKAR, J.)

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