

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

WRIT PETITION NO. 12063 OF 2017

Satish Bhandary

... Petitioner.

Versus

Municipal Commissioner,
Mira-Bhayander Municipal
Corporation and others

... Respondents.

....

Ms. Veena Thadhani for the Petitioner.

Mr. N.R. Bubna for Respondent Nos. 1, 3 and 4.

Mr. A.P. Vanarase, AGP for Respondent No.2.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 13th November, 2017.

P.C. :

Leave to amend the writ petition is granted. The amendment should be carried out forthwith.

By this writ petition, the petitioner seeks an order against the respondents, restraining them from demolishing any part of the petitioner's restaurant-'Hotel golden' without following the due process of law.

Mr. Bubna, the learned counsel for the respondent-Corporation states that the apprehension of the petitioner that the restaurant of the petitioner or any part thereof would be demolished by the Corporation is not well founded. It is stated

that the Corporation has received information that cabins are constructed in the restaurant of the petitioner where illegal activities pertaining to the immoral trafficking are going on. It is stated that the Corporation is only desirous of making an enquiry and taking action in respect thereof.

Since, we find from the statement made on behalf of the Corporation that the Corporation is not desirous of demolishing the restaurant of the petitioner or any part thereof and since the only prayer made by the petitioner is for a direction against the respondent-Corporation not to demolish the restaurant of the petitioner or any part thereof, we dispose of the writ petition with no order as to costs.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)