

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L)NO.532 OF 2017

Office Notes, Office Memorandum - Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
--	---------------------------

Mr.S.A.Sawant i/b Mr.A.P.Deshmukh for the petitioner

Ms.Shital Mane for the respondent

CORAM : K. K. TATED, J.
DATE : FEBRUARY 28, 2017

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the notice dated 9.2.2017 issued by respondent Medical Officer of Health H/West Ward directing petitioner to discontinue the use of extra outside space for service activity failing which Corporation will take legal action under section 394 of the Mumbai Municipal Corporation Act, 1888.
- 3 The learned counsel for the petitioner submits that during the pendency of the present petition, they filed reply dated 24.2.2017 with the Municipal Corporation, H/West Ward, Mumbai 400 050. He submits that the respondent to consider

the reply as early as possible. He submits that he received instruction from his client to withdraw the present petition in view of the reply filed by them with respondent no.2. To that effect, he has given in writing on Farad. Same is taken on record and marked 'X' for identification.

4 Same is accepted.

5 Hence, following order is passed:

- a) Writ Petition stands disposed of as withdrawn.
- b) Respondent no.2 is directed to consider the petitioner's reply dated 27.2.2017 to their notice dated 9.2.2017.
- c) It is made clear that court has not passed any order in favour of petitioner at this moment.
- d) Respondent to consider the petitioner's reply without influencing the order passed by this court.

JUDGE