

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.3120 OF 2015
WITH
CHAMBER SUMMONS (L) NO.168 OF 2015
IN
WRIT PETITION NO.3120 OF 2015**

Mohammad Kutty Bashir and others	...Petitioners
Vs.	
Municipal Corporation for Greater Mumbai and others	...Respondents

....

Mr. R.M. Upadhyay for the Petitioner.
Ms. Pallavi Thakkar for Respondent.

....

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 27th JUNE, 2017

P.C.:

1. By this petition, under article 226 of the Constitution of India, the petitioners have challenged the notice dated 17th April 2015 issued by the first respondent Municipal Corporation. There is an affidavit in reply of Smt. J.S. Rane, Senior Inspector (Encroachment Removal), 'C' Ward, of the Mumbai Municipal Corporation. In Clause (h) of Paragraph 4 of the said reply, there is a specific statement on oath by the first respondent that in view of issuance of the fresh notice dated 22nd April, 2015, the earlier

notice dated 17th April, 2017 issued to the petitioners is revoked and withdrawn.

2. In view of the said statement made in Clause (h) of Paragraph 4 of the affidavit in reply filed on behalf of the first respondent, nothing survives in this petition and the same is disposed of.

3. It is made clear that we have not expressed any opinion on the legality and validity of the notice dated 22nd April, 2017 relied upon in the reply.

4. In view of the disposal of the Writ Petition, Chamber Summons (L) No.168/2016 does not survive and the same is also disposed of. However, the contentions of the applicants therein are kept open.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)