

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 3572 OF 2017

Prabhu Yesu Janmotsav

..Petitioner

versus

Municipal Corporation of Greater Mumbai

..Respondent

Mr. Gautam Ankhad a/w Mr. Ankur Shah & Mr. Ashish Mehta for
Petitioner.

Ms Pallavi Thakar for Respondent - MCGM.

CORAM: A. S. OKA & M. S. SONAK, JJ.

DATE : 22ND DECEMBER 2017

P. C. :

1] The learned counsel appearing for the petitioner on instructions states that the temporary structure erected by the petitioner has been removed. Today an affidavit is filed by Shri Mandar Ashok Tari on behalf of the respondent in which a contention has been raised that the stage was erected by the petitioner not at the place where the petitioner was permitted to erect, but at some other place.

2] The learned counsel appearing for the Municipal Corporation states that site visit was made by the Municipal Officers with a view to inspect the structures and not with a view to demolish it. She also pointed out that on 16th December 2017, a notice was issued to the petitioner by e-mail calling upon the petitioner to remove the stage.

3] The learned counsel appearing for the petitioner seeks permission to withdraw the petition. The said request is opposed by the learned counsel appearing for the Municipal Corporation on the ground that

every year the petitioner is applying for grant of permission to hold the same function and that the ad interim order made by this Court in this petition is likely to be misused by the petitioner.

4] We may note here that if next year, the petitioner commits any illegality or commits breach of conditions on which the permission is granted to hold the function, the Municipal Corporation can always take action in accordance with law. Therefore, we do not agree that the order of this Court passed on 15th December 2017 will be misused by the petitioner. We also make it clear that the said ad interim order and the disposal of the petition shall not be construed to mean that the petitioner has abided by all the terms and conditions on which permissions were granted.

5] The learned counsel appearing for the petitioner states that the petitioner is not accepting correctness of the allegations made in the affidavit. We make it clear that we have made no adjudication on the correctness of the statements made in the petition as well as in the affidavit in reply.

6] Subject to what is observed above, the petition is disposed of as withdrawn.

(M. S. SONAK, J.)

(A. S. OKA, J.)