

psv

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

WRIT PETITION NO.7141 OF 2016

Inorbit Malls (India) Pvt. Ltd. & Anr.	..Petitioners
Vs.	
The Navi Mumbai Municipal Corporation & Ors.	..Respondents

Dr.Milind Sathe, Senior Advocate, with Ms.Hemlata Jain, Ms.Bindi Dave, Mr.Sameer Pandit and Ms.Elango i/b.M/s.Wadia Ghandy & Co. for Petitioners.

Mr.P.P. Kakade, AGP for State.

Mr.S.V. Marne for Corporation.

**CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.**

DATE : 27th SEPTEMBER 2018

P.C.:

The learned Counsel appearing for the Corporation on instructions seeks leave to withdraw the notice issued under Section 263 and 268 of the Maharashtra Municipal Corporation Act, 1949.

2. Both the learned Counsel on instructions pray for disposal of the writ petition in view of the Minutes of Order signed by the learned Counsel of the parties. They have signed it for identification purposes.

The Minutes of Order is taken on record which reads as under:-

"1. The present Petition challenges two notices (i) dated June 18, 2016 (Exhibit "A1") issued under Sections 268 and 263 of the Maharashtra Municipal Corporation Act, 1949; and (ii) sealing order dated June 19, 2016 (Exhibit "A2"), which order was passed pursuant to the first notice.

2. By an interim order dated June 30, 2016, the Impugned Notices/Order were stayed and Respondent No.1 Municipal Corporation was directed to remove the seal and permit the Petitioners to continue usage of the Sealed Portion of the said Premises, which order is complied with.

3. Respondent No.1, by communication dated September 26, 2018 has withdrawn notice dated June 18, 2016 reserving liberty to take any further action in accordance with law, if occasion arises. In view of the withdrawal of notice dated June 18, 2016, the sealing order dated June 19, 2016 also does not survive.

4. In the event Respondent No.1 Municipal Corporation passes any adverse order/issues notice in respect of the said Premises, the same shall not be implemented for a period of 4 weeks from the date of receipt of such notice/order and the Petitioners will be at liberty to take steps to challenge the same in accordance with law.

5. The Petition accordingly stands disposed off."

3. Leave is granted to withdraw the petition in view of the minutes of order.

4. The writ petition stands disposed as withdrawn.

G.S. KULKARNI

ACTING CHIEF JUSTICE