

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10453 OF 2016

Ishwar Ladharam Rajani.

..Petitioner.

Versus

Lonavala Municipal Council
and Others.

..Respondents.

Mr. Sachin Dhakepalkar for the Petitioner.

Mr. A. A. Garge for Respondent No. 1.

Mr. S. B. Kalel, AGP for the Respondent-State.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **March 22, 2018.**

P. C. :

1. Heard. Petition is filed seeking directions to Respondent Nos.1 and 2 to take action against Respondent No.3 in pursuance of notice dated 10th September 2015 issued by Respondent No. 1.

2. We have gone through the impugned notice. By the said notice, Respondent No.1- Municipal Council has given the list of illegal constructions carried out by Respondent No.3 and directed him to appear before the designated officer, namely, the Encroachment Removal Officer. The said notice further states that if Respondent No. 3 does not appear before the said officer within the stipulated time, the Municipal Council will proceed to take appropriate action after issuance of notice under section 53(1) of the the Maharashtra Regional and Town Planning Act, 1966.

3. Mr. Garge, learned Counsel for Respondent No.1 states

that out of various illegal structures referred to in the impugned notice, action is taken by the Respondent no.1 in respect of last two structures. So far as rest of the illegal structures are concerned, he submitted that the Municipal Council shall initiate appropriate proceedings and pass appropriate orders in accordance with law as expeditiously as possible and at any rate within the period of six weeks from today. Statement is accepted as an undertaking to this Court.

4. In the light of undertaking given by Mr. Garge, on behalf of Respondent No.1, Mr. Dhakephalkar, learned Counsel for the Petitioner fairly concedes that at this stage the grievance raised in the writ petition stands redressed and he seeks leave to withdraw the writ petition. Leave granted. Petition is allowed to be withdrawn and is disposed of as such.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]