

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 4502/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Milind Prabhune i/b. M. S. Lagu for the
Petitioner

CORAM : K. K. TATED, J.

DATED : JUNE 5, 2018

(In Chamber at 2.45)

PC.:

. The office has placed this matter for speaking to the minutes of order dated 04.05.2018.

2 In cause title, instead of Writ Petition No.4502/2014, it should be 4502/2017.

3 Order dated 04.05.2018 stands corrected accordingly. Rest of the order shall remain as it is.

(K.K.TATED, J.)

CORRECTED ORDER DATED 04.05.2018
FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 6937/2017, 4501/2017, 4502/2017,
 12211/2016, 14285/2016, 3490/2017,
 WRIT PETITION (ST) Nos.23886/2016, 23860/2016, 23888/2016,

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. M. S. Lagu for the Petitioner

CORAM : K. K. TATED, J.
DATED : MAY 4, 2018

PC.:

. Writ Petition No. 3490/2017 and Writ Petition (ST) No.23886/2016 are not on board. At the request of the learned counsel for the Petitioner, same are taken on board along with above connected matters.

2 The learned counsel for the Petitioner submits that the issue involved in all these Writ Petitions is one and the same. He submits that they have issued notice u/s.260(1) of the Maharashtra Municipal Corporation Act, 1949 (said Act) to the Respondent Plaintiff for removal of unauthorised construction. He submits that those notices were challenged by the Respondent Plaintiff by filing different suits

wherein they had made Applications under Order XXXIX Rule 1 and 2 read with section 151 of the Code of Civil Procedure, 1908 for stay of the operation and implementation of the notices issued by the Petitioner Corporation under section 260(1) of the said Act. Those Applications were allowed by the 2nd Jt. Civil Judge, Senior Division, Thane. Hence, they preferred Misc. Civil Appeals before the District Court, Thane.

3 The learned District Court dismissed their appeals upholding the orders passed by the Trial Court and requested the Trial Court to decide the Regular Civil Suits instituted by the Respondent within six months from the date of receipt of communication of those orders. He submits that till today all the suits are pending for hearing and final disposal on merits.

4 The learned counsel for the Petitioner submits that he received telephonic instructions from the Meera Bhyander Municipal Corporation to withdraw all these Writ Petitions with a request to direct the Trial Court to decide all those suits as early as possible on merits. To that effect, he has given in writing. Same is taken on record and marked "X" for identification.

5 Writ Petitions stand disposed of as withdrawn. No order as to costs.

6 Considering the order passed by the appellate court, the Trial Court is directed to decide all those suits as early as possible, in any case on or before 31.03.2019.

7 Parties to act on an authenticated copy of this order.

(K.K.TATED, J.)