

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

WRIT PETITION NO.13371 OF 2018

Shri Balu Walku BhoirPetitioner
versus
Kalyan Dombivali Municipal Corporation
through Ward Committee 'C' and ors.Respondents

with

WRIT PETITION NO.13372 OF 2018

Shri Arun Babu MhatrePetitioner
versus
Kalyan Dombivali Municipal Corporation
through Ward Committee 'C' and ors.Respondents

with

WRIT PETITION NO.13373 OF 2018

Ramchandra Sitaram BhoirPetitioner
versus
Kalyan Dombivali Municipal Corporation
through Ward Committee 'C' and ors.Respondents

with

WRIT PETITION NOS.13383 AND 13384 OF 2018

Shri Bhaskar Pandurang BhoirPetitioner
versus
Kalyan Dombivali Municipal Corporation
through Ward Committee 'C' and ors.Respondents

with

WRIT PETITION NOS.13436 AND 13437 OF 2018

Shri Sudhakar Kundlik BhoirPetitioner
versus
Kalyan Dombivali Municipal Corporation
through Ward Committee 'C' and ors.Respondents

Mr. Suhas Oak i/b. Mr. Sagar Anant Joshi, advocate for the petitioners.
Mr. A. S. Rao, advocate for the Corporation.

**CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.**

DATE : 29th NOVEMBER, 2018.

P. C. :

Heard Mr. Oak, learned counsel for the petitioners and Mr. Rao, learned counsel for the Corporation.

2. By these petitions, the petitioners are challenging the notice issued under Section 212(1) of the Maharashtra Municipal Corporation Act.

3. Mr. Rao, learned counsel for the Corporation, at the outset, submitted that the petitions are premature inasmuch as the proposal to acquire the land if it falls within regular line of public street will have to be approved by the standing committee. He submitted that once the proposal is approved, then again 15 days fresh notice would be issued to the petitioners under Section 212(2) of the Maharashtra Municipal Corporation Act and, in the event, the petitioners are aggrieved by such notice, they can approach this Court afresh. The statement is accepted.

4. In the light of the statement made by Mr. Rao, learned counsel for the Corporation, Mr. Oak, learned counsel for the petitioners, sought leave to withdraw the petitions with liberty to approach this Court, in the event, the respondent – Corporation issues notice under Section 212(2) of the Maharashtra Municipal Corporation Act. Leave as sought, is granted. The writ petitions are dismissed as withdrawn.

5. It is expressly made clear that we have not gone into the merits of the matters and all rights and contentions of the respective parties are kept expressly open.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]