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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1042 OF 2018

Mubin Abbas Hetavkar ... Petitioner
Versus
The Municipal Corporation for Greater ... Respondent
Mumbai

Mr. Kishore S. Patil for the Petitioner.
Mr. A.Y. Sakhare, Senior Counsel and Ms. Pallavi Thakar for
Respondent – BMC.
Mr. Amit Shastri, AGP for Respondent No.2.
Mr. R.P. Khobragade for Respondent No.3.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATE: 10TH AUGUST, 2018.

PC:-

1. Heard the learned counsel appearing for the Respondent No.1, the learned AGP appearing for the Respondent No.2 and learned counsel appearing for the Respondent No.3. Perused the earlier orders passed by this Court. As per the order dated 17th January, 2018, an officer of this Court has been appointed as the Court Commissioner who has submitted a report after making site visit. He found that no cooking activities were in progress in the rooms in possession of the Respondent No.3. Under the order dated 4th July, 2018, the Court Commissioner appointed earlier, was directed to visit the said premises again without notice to any

of the parties. The Court Commissioner has submitted a report dated 23rd July, 2018 in which he has recorded that he visited the premises on 21st July, 2018 without notice and he found that there was no cooking activities in progress save and except the fact that utensils and other articles were found therein.

2. The learned counsel appearing for the Respondent No.3 on instructions states that the Respondent No.3 is not carrying on cooking activities in the subject premises. He further states on instructions that the Respondent No.3 will not commence any cooking activity without obtaining lawful permissions / license from the Respondent No.1 and other concerned authorities. We accept the said statement made by the learned counsel appearing for the Respondent No.3 on instructions.

3. Considering aforesaid statements and contents of the reports of Court Commissioner, it is not necessary to issue further directions in this Petition.

4. Accordingly, the Writ Petition is disposed of.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)