

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

WRIT PETITION NO. 881 OF 2014

Mrs.Archna Dattaram Hadkar. ... Petitioner.
V/s.
Municipal Corporation of Greater Mumbai
and others. ... Respondents.

None for the petitioner.

Mr.A.Y.Sakhare, Senior Advocate with Ms.K.H.Mastakar
for the respondent- MMC.

Mr.U.S.Upadhyay, AGP for the respondent-state.

Mr.Chevin Lapashiya i/b. Mr.Niranjan Lapashiya for respondent No.7.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 6th June 2018.

PC.:

None appears for the petitioner. Perused the prayers made in the petition. On 7th February 2017, a Division Bench of this Court recorded a statement of the learned counsel appearing for the Mumbai Municipal Corporation that the said Corporation will take necessary action in pursuance of notice dated 18th February 2016 issued under sub-section (1) of section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short "MRTP Act"). As the assurance given to the Court was not complied with, on 29th January 2018, this Court issued notice to the designated officer calling upon the said officer to show cause as to why an action under the Contempt of Court Act, 1971 should not be initiated against him.

2. In a companion petition [Writ Petition (Ldg.) No.696/2018] which is disposed of today by a separate order, the challenge was to the consequential notice of demolition issued under clause (b) of sub-section (6) of section 53 of the MRTP Act on the basis of notice dated 18th December 2016. This shows that though belatedly, the Municipal Corporation has complied with the assurance which is recorded in the order dated 7th February 2017. Hence it is not necessary to take any further action against the designated officer.

3. Considering the order passed in the companion petition and considering the only substantive prayer (b), at this stage, it is not necessary to entertain this petition as the action has been initiated by the Municipal Corporation.

4. The learned counsel appearing for the seventh respondent states that he has filed an affidavit-in-reply unconditionally withdrawing the allegations made against the constituted attorney of the petitioner. We accept the said statement.

5. Subject to what is stated above, the petition is disposed of.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)