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

WRIT PETITION (L) NO. 1797 OF 2018

Prema Ramnath Shetty ... Petitioner
Versus
Municipal Corporation of Gr. Mumbai & Ors. ... Respondents

Mr. M.K. Tanna, for the Petitioner.
Mr. R.S. Apte, Senior Counsel with Ms. Shital Mane for
Respondent – BMC.
Mr. S.M. Oka and Mr. Sagar Joshi for Respondent No.3.
Mr. Anil Dhivar, D.O.I (T) and Mr. Shivraj Deshmukh, S.R. (T) (B &
F) present.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATE: 7TH JUNE, 2018.

PC:-

1. Heard the learned senior counsel appearing for the Respondent Nos. 1 and 2 and the learned counsel appearing for the Respondent No.3. The learned senior counsel appearing for the Respondent Nos. 1 and 2 states that notice dated 8th / 9th March, 2018 issued under Section 354 of the Mumbai Municipal Corporation Act, 1888 will be withdrawn and that the reply filed by the Petitioner dated 12th March, 2018 to the notice dated 23rd February, 2018 will be considered. After considering reply and considering structural audit report, the concerned authority of the Respondent No.1 Corporation will decide, whether the subject

building falls under 'C1' category or any other category. He further states that if a decision is taken to issue a notice under Section 354 of the said Act of 1888, the notice under the said provision shall be served to the Petitioner at the address mentioned in the Petition. He states that an action on the basis of such notice will not be initiated for a period of two weeks from the date on which the notice is served to the Petitioner. We accept the aforesaid statements made on instruction by the learned senior counsel for the Respondents.

2. It is obvious that as the notice dated 8th / 9th March, 2018 has been withdrawn, action cannot to be taken on the basis of the notice dated 17th May, 2018 Exhibit "D".

3. In view of the aforesaid statements made on instructions by the learned senior counsel appearing for the Respondent Nos. 1 and 2, it is not necessary to entertain this Petition. Accordingly the Petition is disposed of. We make it clear that we have made no adjudication on the issue of structural status of the subject building and all the contentions are left open to be considered and decided by the Mumbai Municipal Corporation.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)