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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION (L) NO.2481 OF 2018

Prakash Shetty ... Petitioner
Vs.
Municipal Corporation of Greater Mumbai and Ors. ... Respondents

Mr. Nitesh Acharya i/b. Mr. Asif Husain for the Petitioner.
Mr. Ajit Kenjale a/w Ms. K.H. Mastakar for the Respondent- BMC.

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

DATE : 13th AUGUST 2018.

P.C. :

1 As far as the challenge to the impugned notice dated 23rd July 2018 (Exhibit – A) is concerned, it is not in dispute that the seized goods have been already returned to the petitioner. Therefore, no further action can be taken on the basis of the impugned notice.

2 The learned counsel appearing for the Municipal Corporation states that the Municipal Corporation has decided to withdraw the notice dated 24th July 2018 (Exhibit – C to the petition). He invited our attention to the statement made in paragraph 9 of the affidavit tendered today of Shri Sachin Shankar Ghewade, Designated Officer – II. He states that the Municipal Corporation will withdraw the said notice and issue a fresh notice after following due process of law.

3 In view of what is observed above, prayers (A)(i) to (A) (iii) do not survive. As far as prayer (B) is concerned, the petitioner can always prosecute his application if the same is pending.

4 Accordingly, the petition is disposed of.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)