

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2565 OF 2016**

Vasantlal Shamji Kenia

..Petitioner.

Vs.

Municipal Corporation of Greater Mumbai & Ors...Respondents.

Ms.Srividya Venkatraman I/by M/s. J Law Associates for the Petitioner.

Ms.Sheetal Mane, for Respondent Nos.1 to 3/ MMC.

Mr.Vimlesh Singh, for Respondent Nos.4 to 7.

**CORAM : A.S. OKA &
R.I.CHAGLA, JJ.**

DATE : 22nd JUNE, 2018

P.C.

1 Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the respondents. Perused the Affidavit of Shri Harinarayan G. Sahu, Executive Engineer, 'L' Ward of the Mumbai Municipal Corporation, who has tendered an unconditional apology.

2 Notices issued by the Municipal Corporation under Section 351 of the Mumbai Municipal Corporation Act, 1888 have been annexed to the Affidavit in reply. The learned Counsel appearing for the Petitioner pointed out that by correcting mistake in the said notices, fresh notices have been issued on 19th June 2018, copies of which have been tendered across the bar, which are marked as N1 (collectively) for identification.

3 Now that due process of law has been adopted by the Municipal Corporation pursuant to the orders of this Court, it is not necessary to keep the Petition pending . We, accordingly, dispose of the Petition by passing the following order :

ORDER

1 The notices issued by the Municipal Corporation on 19th June 2018 under Section 351 of the Mumbai Municipal Corporation Act, 1888 shall be taken to its logical conclusion in accordance with the law laid down by the Division Bench of this Court in the case of **Sopan Maruti Thopte vs. Pune Municipal Corporation**¹;

2 Entire exercise shall be completed as expeditiously as possible and in any event, within a period of four months from today;

3 We make it clear that we have made no adjudication on the merits of the allegations made in the show-cause notices and all contentions of private respondents are kept open;

4 After the notices are taken to its logical end, necessary information shall be furnished by the Municipal Officers to the Petitioner;

5 The Petition is disposed of accordingly.

(R.I. CHAGLA, J)

(A.S. OKA, J)

1 1996(1) Mh.L.J. 963