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

WRIT PETITION No. 116 OF 2018

Shakil s/o Abdul Karim & Ors. ... Petitioners
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Sushil Upadhyay i/b A. M. Saraogi, for the Petitioners.

Mr. Girish Godbole a/w Swapna Roopavate i/b Tushar Goradia, for
the Respondent No. 3.

Mr. S. B. Gore, AGP for the Respondent No. 1 – State.

Ms. Pallavi Thakar, for the Respondent No. 2 – BMC.

CORAM : A. S. OKA, &
P. N. DESHMUKH, JJ.

DATE : FEBRUARY 6, 2018

PC :

1. The entire petition filed under Article 226 of the Constitution of India proceeds on the footing that there are notices issued on 11th June, 2002 and 9th December, 2009 under Section 351 of the Mumbai Municipal Corporation Act, 1888 in respect upper portion of the premises, more particularly described in prayer clause (b). On the last date, the learned counsel for the 3rd Respondent has placed on record a letter dated 10th December, 2012 addressed by the Assistant

Commissioner (Buildings & Factories), F / South Ward addressed to M/s. Arab Hotel recording that the notice dated 11th June, 2002 has been withdrawn. He also placed on record the order dated 10th February, 2012 passed by the Assistant Commissioner, F / South Ward holding that notice dated 9th December, 2009 is treated as withdrawn.

2. In view of the fact that both the notices have been withdrawn, this petition founded on the said notices cannot be entertained. Accordingly, the writ petition is disposed of.

Sd/-
[P. N. DESHMUKH, J.]

Sd/-
[A. S. OKA, J.]

Vinayak Halemath