

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6198 OF 2014
WITH
CIVIL APPLICATION NO. 1490 OF 2019**

Rizwan Khan Nasir Khan and ors. ... Petitioners
V/s.
Kalyan Dombivli Municipal Corporation
and ors. ... Respondents

Mr. S.G. Deshmukh and Ms Priyanka Kolekar i/b Mr. Ramdas A. Shelke for the Petitioners/Applicants.
Mr. A.S. Rao for Respondent Nos.1 to 3 - KDMC.
Mrs. M.P. Thakur, AGP for Respondent No.4- State.

**CORAM : AKIL KURESHI &
B.P. COLABAWALLA, JJ.
DATE : NOVEMBER 4, 2019.**

P.C.

1] The petitioners have challenged the notice dated 26.4.2013 issued by respondent No.1 - Corporation under Section 264 (1) of the Maharashtra Provincial Municipal Corporation Act, 1949.

2] Learned Counsel for the petitioners pointed out that under order dated 29.9.2015 passed by this Court, Victoria Jubilee Technical Institute, Matunga (VJTI for short) was appointed to make a report about the structural status of the building on the petitioners' representation that the building is

repairable. Subsequently, under order dated 21.12.2015, the petitioners were given permission to carry out the repairs which would be supervised and certified upon completion by VJTI. It is undisputed that such repairs were carried out and VJTI in its report dated 6.1.2017 also records that the repairs were satisfactory.

3] In view of such developments, the impugned notice has been rendered infructuous and would therefore not be acted upon. The petition is disposed of accordingly.

4] Pending civil application does not survive and the same is also disposed of.

(B.P.COLABAWALLA, J.)

(AKIL KURESHI, J.)