

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10298 OF 2019

K.I.P.L. Vistacore Infra
Projects J.V.

... Petitioner

Vs

Ichalkaranjee Municipal
Council and Anr.

... Respondents

...
Mr. Y.S.Jahagirdar, Senior Counsel with Mr.
N.V.Walawalkar with Mr. Sohil Gulabani and Suraj
Bansode i/by Mr. Ajit J. Kenjale for the Petitioner.
Mr. A.M.Kulkarni with Mr. Akshay Shinde for the
Respondents.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.**

DATE : OCTOBER 14, 2019

P.C. :

*After some arguments, the learned counsel for
the respondent nos.1 and 2 on instructions states that if
respondents are permitted to initiate action afresh against
the petitioner, they are ready and willing to withdraw the
impugned order dated 21st September, 2019 and
proceeding notice dated 13th September, 2019.*

2 *The Senior Advocate appearing for the petitioner points out that in the meanwhile on 17th September, 2019 General Body of the Municipal Council has passed resolution.*

3 *We find that resolution of General Body is in the light of notice dated 13th September, 2019 served upon the petitioner\}. When the resolution was passed, petitioner had not even submitted his reply to this notice. That reply has been submitted on 19th September, 2019. As such, that resolution cannot come in the way of the respondents in initiating appropriate action. Needless to mention that if any resolution of the Municipal Council is needed, the Municipal Council is free to pass it afresh in accordance with law.*

4 *In this situation, respondents are permitted to withdraw notice dated 13th September, 2019 as also the order dated 21st September, 2019.*

5 *Accordingly, petition is disposed of as withdrawn with no cost with liberty as prayed for .*

(SANDEEP K. SHINDE, J.) (B.P.DHARMADHIKARI, J.)