

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

**APPEAL FROM ORDER NO. 274 OF 2018
WITH
CIVIL APPLICATION NO. 355 OF 2018**

Arif Anis Khan & Anr. ... Appellants
V/s.
Municipal Corporation of Greater Mumbai & Anr. ... Respondents

- Mr.Altaf Khan i/b. Mr.Nitesh S. Acharya for the Appellants.
- Mrs.Madhuri More for the Respondents-MCGM.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 16th JANUARY, 2019.

P.C. :

1] Learned counsel for the Appellants fairly submits that in view of the order passed by the Division Bench of this Court on 7th February, 2018, in Writ Petition (Lodg.) No.3501 of 2017, it was held that the public notice dated 28th November 2017 on the basis of which action of demolition of the suit structure and other structures have been taken is held to be not legal and proper and accordingly, the Corporation is directed to follow the due process of law.

2] In view thereof, the orders of eviction dated 16th March, 2015 have been set-aside by the Appellate Authority and the matters have been remitted to the Deputy Collector (Encroachment) cum

Competent Authority for fresh adjudication and for passing a fresh order; learned counsel for the Appellant submits that his matter is also now before the Deputy Collector (Encroachment) cum Competent Authority for fresh adjudication and for passing a fresh order.

3] In view thereof, this Appeal along with Civil Application no more survives and hence, stand disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]