

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 256 OF 2015**

Karthik Govardhan ShettyPetitioner
V/S
The State Of Maharashtra & Anr. ...Respondents

Mr. P. J. Thorat for the Petitioner.
Amit Shashtri, AGP for the Respondent Nos 1 and 2-State.

**CORAM : A. A. SAYED &
PRAKASH D. NAIK, JJ.
DATED : 25th September, 2019**

P.C.:

In the Affidavit-in-Reply filed by the Respondent No. 2-Dy. Collector (ENC./REM.) in paragraph no. 7, it is specifically averred as follows:

“7. I say that though the land belongs to private land and not the Government land, this office is not going to act on Notice dated 10.02.2010 issued by Respondent No. 2. I say that by letter dated 23.12.2014 Mumbai Municipal Corporation had given a letter to me mentioning that encroachment have to be removed under section 351 of Mumbai Municipal Corporation Act. I say that now dispute is between Mumbai Municipal Corporation, Petitioner and Kumbhar Kala Co-op. Housing Society Ltd.’

2. In view of the categorical statement in the aforequoted paragraph 7 of the Affidavit-in-Reply filed on behalf of the Respondent No. 2- Dy. Collector (ENC./REM), that the Notice dated 10.02.2010 is not to be acted upon, the Petition stands worked out. Hence, the Petition to stand disposed of.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)