

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION (L) NO. 1639 OF 2019**

Vasanti Vasant Gurav & Ors ...Petitioners  
*Versus*  
Municipal Corporation of Greater Mumbai & Ors ...Respondents

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**Mr Vishwajeet Kapse**, *with Karishma Shirkepadwal, for the  
Petitioners.*  
**Ms Vandana Mahadik**, *for Respondent No. 1-MCGM.*  
**Mr Keshav Borhade**, *i/b M/s. Shelke & Co., for Respondent No. 3.*

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**CORAM: S.C. DHARMADHIKARI &  
G.S. PATEL, JJ**  
**DATED: 17th June 2019**

**PC:-**

1. After this petition was fully argued on the earlier occasion and we posted it today for passing orders, on instructions, Mr Kapse, learned advocate for the Petitioners, particularly after knowing of our reluctance to grant any relief in the writ jurisdiction, seeks leave to withdraw this petition with liberty to avail of such other remedies as are available in law. We have also invited his attention to the provisions of sub-section (5) of Section 354 of the Mumbai

Municipal Corporation Act 1888 introduced by an amendment which fully protects private rights of both the owner/landlord and the tenants/occupants of the structures covered by notice under Section 354 of the Mumbai Municipal Corporation Act 1888. Hence, the withdrawal of this writ petition will not prejudice any of the rights and contentions of both the parties in such other proceedings as the Petitioners may be advised to adopt and in accordance with law.

2. The writ petition is disposed of as withdrawn. There will be no order as to costs.

**(S.C. DHARMADHIKARI, J)**

**(G. S. PATEL, J)**