

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2052 OF 2013**

Devika Ulhas Mehta

...Petitioner

Versus

Municipal Commissioner & Ors

...Respondents

Ms Prabha Badadare, *Absent.*

Ms Devika Mehta, *Petitioner absent.*

Ms Rupali Adhate, *for the MCGM.*

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**

DATED: 4th June 2019

PC:-

1. The Petitioner and the Advocate both are absent. Their names are correctly displayed on the board. It appears that after a detailed order was passed in this Petition on 19th June 2017, neither the Municipal Corporation nor the Petitioner has evinced any interest in the Petition.

2. An Affidavit in Reply has been filed in pursuance of the directions of this Court of 23rd October 2018 by the Municipal

Corporation but there is no explanation therein as to why the notice issued under Section 354 of the Municipal Corporation Act dated 19th August 2014 is not taken to its logical conclusion.

3. Today also there is no answer beyond saying that some studies and inspection have been carried out. We do not think that the notice has lapsed. It can be carried to its logical conclusion even now by the Municipal Corporation.

4. Granting that liberty and when we find that the Petitioner is not interested in prosecuting this Petition, we proceed to dismiss it. It is dismissed for want of prosecution.

(G. S. PATEL, J)

(S. C. DHARMADHIKARI, J)