

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (Lodging) No. 1254 of 2020

Shammy Chumar Mandumpala ..Petitioner.

Vs

State of Maharashtra and Ors ..Respondents.

Mr. C.J. Joveson, Advocate for the Petitioner.

Mrs. A.A. Purav, AGP for Respondent-State.

Mr. S.M.Kamble a/with Rupali Adhate and Yamuna Parekh for Respondent-MCGM.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATED :- 24th JANUARY, 2020.**

P.C. :-

1. By the above petition, the Petitioner has prayed, inter alia, for the following reliefs:-

(a) To declare that the notice at **Exhibit C** is arbitrary and without any due process of law and violative of Articles 14, 19 and 21 of the Constitution of India.

(b) Issue an appropriate writ, be it in the nature of mandamus directing the respondents to reply to **Exhibit B** and to refrain from acting in furtherance of Exhibit C demolishing the property of the petitioner.

2. **Exhibit 'C'** is the notice dated 11th September, 2019 addressed to the Petitioner wherein the Corporation has recorded that it had earlier given notice to the Petitioner to remove certain constructions; however, since the Petitioner failed to do so, the Corporation will now be demolishing the same; for that purpose, the Petitioner should remove all his belongings within a period of three days.

3. The Petitioner failed and neglected to respond to the said notice dated 11th September, 2019. Instead we are told that the Petitioner met the Commissioner and the Commissioner assured that certain measurements will be taken. We are not inclined to take cognizance of such alleged verbal assurances. In any event, since the learned Advocate for the Corporation has informed us that the Corporation has already acted on the impugned notice i.e. **Exhibit 'C'** to the petition and has demolished the impugned structure, the above Writ Petition is disposed of as infructuous.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)