

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

Writ Petition NO. 9389 OF 2021

Ratnakar R Shetty And Anr

...Petitioner(s)

Versus

Mira-Bhayandar Mahanagar Palika And Ors ...Respondent(s)

Mr. Nilima Sanglikar for the Petitioners.

Mr. M.S. Lagu for Respondent Nos.1, 2 and 3-MBMP.

**CORAM: A.A. SAYED &
 ABHAY AHUJA, JJ**

DATED: 22nd December, 2021

PC:-

1 The Petitioner has essentially challenged the notice under section 478(1) of the Maharashtra Municipal Corporation Act, dated 27 November 2020 (wrongly mentioned as 24 November 2020).

2 Learned Counsel for the Respondent-Corporation has tendered a copy of an Undertaking of the Respondent-Corporation which has been filed by the Respondent-Corporation in Regular Civil Suit No.492 of 2020 before the Civil Judge Senior Division at Thane wherein it is stated that the Respondent-Corporation has undertaken to withdraw the impugned notice dated 27

November 2020. It is further stated that the Respondent-Corporation shall follow due process of law.

3 In view of the above, nothing survives for consideration in the Petition. The Petition is disposed of. We record the statement of learned Counsel for the Respondent-Corporation that the Petitioners who are tenants/ occupiers shall also be given a notice and due process of law shall be followed prior to taking any action which affects the Petitioners.

(ABHAY AHUJA, J.)

(A.A. SAYED, J.)