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

WRIT PETITION NO. 8609 OF 2019

Ayyub Bahauddin Sayyed

.... Petitioner

Versus

The State of Maharashtra & Ors.

.... Respondents

- None for the petitioner.
- Mr. V.S. Gokhale, B Panel Counsel for Respondent-State.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : JUNE 14, 2022.

P.C. :

1. The documents placed on record show that the petitioner was served with the communication dated 03rd January, 2019. A copy of the same is placed on record at Exhibit "A" (page no.11). The notice is issued by the authority of Respondent No. 2 exercising the powers under Maharashtra Regional and Town Planning Act, 1966. It seems that the petitioner raised an objection in relation to an illegal construction carried out by the Respondent No. 3. The petitioner is informed about the various steps taken by the Authority under M.R.T.P. Act. The petition also indicates that as the Respondent No. 3 failed to submit an explanation and also failed to submit any documents, the authority stopped the construction activity on 30th June, 2018. The building material was also

confiscated under the provisions of the said Act particularly under section 260(1A) (A) (B). The communication further indicates about the verification report from the competent authority. Copy of the panchanama drawn in presence of the panchas as well as the Assistant Commissioner of Bhiwandi Nizampur, Corporation dated 30th June, 2018 is also placed on record at Exhibit “D”. Copy of the notice issued to Respondent No. 3 dated 04th September, 2018 as well as 27th June, 2018 are placed on record. Notice dated 04th September, 2018 is issued by referring to section 260(1A) (A) (B) of Maharashtra Municipal Corporation Act of 1949 as well as section 52 to 55 of Maharashtra Regional and Town Planning Act of 1966.

2. Now, the petition was filed on 12th April, 2019, it was listed before this Court on 14th August, 2019 and was adjourned due to paucity of time. Subsequent to order dated 14th August, 2019 it seems that no attempts are made by the petitioner to circulate the petition.

3. Considerable period of three years has been lapsed, post issuance of notice by Corporation and post filing the petition. It seems that the petitioner is not interested in prosecuting the petition. As no fruitful purpose would be served by keeping the petition pending for non prosecution, the petition is dismissed.

4. All concerned shall act upon a copy of this order which is duly authenticated by the Registry of this Court

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)