

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

**WRIT PETITION NO.7835 OF 2022**

Bhiva K. Mhatre

.. Petitioner

v/s.

Panvel Municipal Corporation & Anr.

.. Respondents

Mr. Indris M. Vohra a/w Vinod Shinde i/b. Legale Affaires for the petitioner.

Mr. J.G. Reddy for the respondent nos.1 & 2.

**CORAM : R.D. DHANUKA &**

**KAMAL KHATA, JJ.**

**DATED : 22ND JULY, 2022.**

**P.C. :**

1. By this petition filed under Article 226 of Constitution of India, the petitioner seeks writ of mandamus thereby quashing and setting aside the notice dated 9<sup>th</sup> May, 2022 issued by the respondent no.2-Ward Officer under Section 162 and 174 of the Maharashtra Municipal Corporation Act, 1949 for constructing drainage line in the said property. It is submitted by the learned counsel for the petitioner that this notice is issued by the Ward Officer and would have been issued only by the Municipal

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Commissioner and if not by the Municipal Commissioner at least by Deputy Municipal Commissioner or Assistant Municipal Commissioner.

2. Learned counsel for the Municipal Corporation on the other hand submits that the Municipal Commissioner has delegated such powers under the Maharashtra Municipal Corporation Act under Section 162 and 174 to the Ward Officer. Statement is accepted.
3. Learned counsel for respondent nos.1 & 2 invited our attention to the order passed by the Division Bench of this court on 14<sup>th</sup> June, 2022 in Contempt Petition no.354 of 2022 which was filed by the petitioner herein alleging willful disobedience of the order dated 28<sup>th</sup> September, 2021 passed by this Court in Writ Petition no.3762 of 2021. He submits that pursuant to the said order dated 14<sup>th</sup> June, 2022, respondent nos.1 and 2 have already constructed a nala on the property in question and have already removed the officers of the respondent Corporation from the plot of the petitioner after constructing Nala.
4. Learned counsel for the petitioner does not dispute that the said order dated 14<sup>th</sup> June, 2022 passed by this court permitting the Corporation to dig the line for the purpose of constructing a Nala is already implemented and the said order has been impugned by

the petitioner before the Supreme Court.

5. In our view, nothing survives in this writ petition. Writ petition is accordingly dismissed.

6. No order as to costs.

**(KAMAL KHATA, J.)**

**(R.D.DHANUKA, J.)**