

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

WRIT PETITION NO.10157 OF 2022

M/s. AIC Chemical Pvt.

Ltd. Thr. Director

.. Petitioner

v/s.

Thane Municipal Corporation

and Ors.

.. Respondents

Mr. Saurabh Oka, for the petitioner.

Mr. A. R. Pitale, for the respondent – T.M.C.

Mr. A. A. Alaspurkar, AGP for State.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 14TH SEPTEMBER, 2022.

P.C. :

1. Learned counsel for the respondent – Corporation tenders a copy received by him from the concerned engineers stating that as and when the work would be commenced by the Corporation of the road which may affect the structure of the petitioner, advance notice would be issued to the petitioner. The letter dated 13th September 2022 is taken on record.
2. In view of the said letter Mr. Oka, learned counsel for the

petitioners states that this writ petition has become infructuous and seeks liberty to file fresh petition as and when occasion arises. Statement is accepted.

3. The respondent No.1 corporation is directed to issue 15 days prior notice to the petitioner before completion of any construction of the road close to the entrance of the plot of the petitioner. In view of the statement made by the learned counsel for the respondent on the basis of the instructions made across the bar, the impugned order dated 11th August 2022 passed by respondent no.3 does not survive.
4. Mr. Oka, the learned counsel for the petitioner states that his client would start taking immediate steps so as to shift the plant of the petitioner and expedite the said process. At this stage, we are not passing any further order about the time of 21 months sought by the petitioner.
5. Writ petition is disposed off in aforesaid terms. Rule is made absolute. No order as to costs.
6. As and when fresh cause of action arises, petitioner is at liberty to file appropriate proceedings permissible in law.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)