

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1196 OF 2022

Sterling Tower Co-operative Hsg.

Society Ltd.

.. Petitioner

v/s.

Mumbai Municipal Corporation & Ors.

.. Respondents

Mr. Prajeep J. Thorat for the petitioner.

Ms. Sheetal Metakari i/b. Mr. Sunil Sonawane for the respondent nos.1
& 2.

Mr. Shekhar Jagtap a/w Sairuchita Chowdhary, Foram Vora, Rhea
Francis i/b. M/s. Amicus Lex and Associates for respondent no.3.

Mr. Ashok Adate, Asstt. Engineer (B&F) K/W Ward-present.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 7TH SEPTEMBER, 2022.

P.C. :

1. By this Writ Petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of mandamus against respondent nos.1 & 2 to pass an appropriate order in pursuance of notice dated 5th January, 2016 issued under Section 351 of the Mumbai Municipal Corporation Act, 1888 against respondent no.3 as

described in prayer clause (a) of the petition.

2. Ms. Metakari, the learned counsel for the Municipal Corporation, on instructions, states that the Municipal Corporation has already demolished the said structure which was the subject matter of the said notice dated 5th January, 2016. She further states that after the demolition of the offending structure, respondent no.3 has carried out fencing on the said plot in respect of which the Corporation may initiate action, if so advised. Statement is accepted.
3. In view of the statement made by the learned counsel Municipal Corporation insofar as the notice under Section 351 of the Mumbai Municipal Corporation Act is concerned, nothing survives in this writ petition.
4. Writ petition is accordingly disposed off.
5. No orders as to costs.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)