

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4212 OF 2022

M/s. Nagpur Timber Mart

vs.

The Municipal Commissioner, Nagpur and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Omkar Ghare, Advocate for petitioner.
Mr. J. B. Kasat, Advocate for respondent No.1.
Ms. Renuka Sirpurkar, Advocate for respondent No.2.

CORAM : MANISH PITALE J.

DATE : 15/09/2022

This writ petition has arisen out of an order passed by the District Court allowing an appeal filed by the respondent–Corporation, whereby an order of temporary injunction granted in favour of the petitioner i.e. original plaintiff was set aside. The suit was filed challenging a notice issued by the respondent–Corporation under Section 53 of the Maharashtra Regional and Township Planning Act, 1966.

2. As per a pursis and documents placed on record on behalf of the respondent–Corporation, it is

evident that the very notice issued under Section 53 of the said Act has been withdrawn. It appears that the very cause of action for filing the suit no longer exists as the notice dated 19/12/2019 itself has been withdrawn. It is a different matter that subsequently the respondent–Corporation has issued fresh notice dated 10/08/2022 to the original owner i.e. respondent No.2 and the petitioner.

3. In these circumstances, with the subsequent events noted above, the petition is rendered infructuous and it is disposed of as such.

JUDGE