

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

CIVIL WRIT PETITION NO. 19386 OF 2024

Dhannulal Laxminarayan Gupta

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. S.G. Deshmukh i/b. Abhijeet Kandarkar for the Petitioner
Mr. Priyabhushan Kakade, Addl.G.P. with Ms. Snehal S. Jadhav, A.G.P. for
Respondent No.1 - State
Mr. Dilip Bodke for Respondent Nos. 2 and 3
Mr. Momin Affif, Law Officer, Bhiwandi Nijampur Municipal Corporation
present

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 21st January 2025.

P.C. :

1. Mr. Bodke, learned Advocate appearing for Respondent Nos. 2 and 3, on instructions of Mr. Momin Affif, Law Officer, Bhiwandi Municipal Corporation, submitted that, the Corporation has issued a fresh notice dated 16th January 2025 under Section 52 to 55 of the Maharashtra Regional Town Planning Act, 1966 to the Landlord and the occupants of the suit property and the Petitioner has been called upon for hearing on the same on 24th January 2025. He submitted that in view of the issuance of the fresh notice dated 16th January 2025, the impugned notice dated 10th December 2024

does not survive and stands withdrawn. The said statement is accepted.

2. As the Respondent Nos. 2 and 3 have now issued a fresh notice dated 16th January 2025, thereby calling upon the Petitioner to participate in the hearing scheduled on 24th January 2025.

3. Mr. Deshmukh, learned Advocate for the Petitioner seeks leave to withdraw the Petition with liberty to pursue the remedy of participation in hearing of the said notice dated 16th January 2025.

Leave and liberty granted.

4. The Petition is disposed off as withdrawn with the aforesaid liberty.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)