

W.P. No.2957/2016

14.03.2016

Not on Board; upon mentioning taken up on Board, by consent.

Shri Sanjay Agrawal, Advocate for the petitioners.

Shri P.K. Kaurav, Advocate for the respondents.

Counsel for the respondents submits that the sole reason why the learned Single Judge was convinced and entertained the writ petition, is on account of the grievance of the petitioners that impugned demand notice issued to the petitioners was in flagrant violation of the provisions of Sections 173 and 174 of the Municipal Corporation Act, 1956, in particular, because of non issuance of bill, in the first place.

Counsel for the respondents submits that the Municipal Corporation has now decided to issue bill to the petitioners and not to pursue the impugned demand notice. If the writ petitioners fail to pay the amount as demanded in the bill only then it may become necessary for the Corporation to proceed against the petitioners further in accordance with law.

In view of this statement, nothing remains in the writ petition. The statement is accepted.

The petition is **disposed of** with liberty to the Municipal Corporation to proceed in the matter for recovery of its dues, in accordance with law. If the writ petitioners are aggrieved by the proposed action, will be free to question the same by way of appropriate proceedings, which grievance can be examined on its own merits. All questions in that behalf are left open.

(A. M. Khanwilkar)
Chief Justice

(Sanjay Yadav)
Judge