

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2572 OF 2012
WITH
NOTICE OF MOTION NO.84 OF 2013**

Shree Venkatesh Balaji Bhakta Mandal
and others ... Petitioners
v/s
The State of Maharashtra and others ... Respondents

Petitioners and Advocate Ms R.P. Phadke absent.
Mr P.G. Lad, AGP for Respondent No.1.
Mr Pravin Samdani, SR. Counsel with Mr Vatsal K. Merchant i/b M/s
Kishore Thakordas and Co. for Respondent No.6.

**CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA JJ.**

DATE : 15TH OCTOBER 2015

P.C. :-

1. On the last occasion, it was indicated to us by the Registry that this Petition was tagged alongwith Writ Petition No.1469 of 2009. Writ Petition No.1469 of 2009 has since been disposed off by a detailed judgment and order on 6th March 2014 but on the earlier occasion the judgment in Writ Petition No.1469 of 2009 was not on our file.

2. Now the Registry has circulated that judgment. On perusal of the same, we find that the points and issues are identical. Since the detailed judgment covers the same, we dispose off this Petition in terms of the same judgment as is rendered by this Court in Writ Petition No.1469 of 2009 (Official Trustee, State of Maharashtra v/s Maharashtra Housing and Area Development Authority and others).

3. In all fairness, Mr Samdani, learned counsel appearing for Respondent No.6, states that a Special Leave Petition has been preferred before the Hon'ble Supreme Court of India against the Division Bench judgment of this Court in Writ Petition No.1469 of 2009.

4. We are of the view that mere pendency of the Special Leave Petition in the Hon'ble Supreme Court of India will not enable us to take a different view. Secondly, there is nothing on record which would indicate that the Division Bench judgment is either

reversed or modified. The issue is therefore not alive but concluded by the Division Bench judgment. Writ petition is thus disposed off. In view of the disposal of the Petition, all pending applications also stand disposed off.

(B.P. COLABAWALLA, J.)

(S.C.DHARMADHIKARI J.)