

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.278 OF 2016
IN
WRIT PETITION NO.3463 OF 2009

Mr. Ali Akbar Adamjee Peerbhoy.	..	Applicant/ Petitioner
Vs		
Union of India and Others.	..	Respondents
—		
Shri Shikur Gafur Kudle for the Applicant.		
Shri A.N. Samant for the Respondent Nos.1 to 3.		
Shri A.I. Patel, AGP for the Respondent No.4.		
Shri D.R. Shah for the Union of India.		
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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 8TH FEBRUARY 2016

P.C.

Prayer Clauses (a), (b), (c), (d) and (g) of this Application
read thus:

- “(a) this Hon'ble Court be pleased to direct the Respondent Nos.1 to 3 herein to restore the Original structure of the Aman Lodge Railway Station forthwith at their cost;
- (b) this Hon'ble Court further be pleased to direct the Respondent Nos.1 to 3 herein to close down the shuttle services from Aman Lodge Railway Station to Matheran Hill Station to the extent of one kilometer as long as the Applicant and the other four legal heirs of original owner of the land and hill station are not paid the amount of royalty and also the other amount as permissible by virtue of clause 43 and 44 of the Order dated

28th July, 1904 with interest as permissible in law;

- (c) In view of the defiance on the part of the officials of the Railway Department, if this Hon'ble Court arrives at the conclusion that the entire exercise on the part of the said officials is to frustrate the pending petition then in that case necessary action be initiated as permissible in law against all concerned including the contempt proceedings for having subverted the course of justice;
- (d) during the pendency of this Civil Application, if it is warranted that the fraudulent document placed on record at Exhibit P-1 is required to be investigated so as to ascertain the veracity of the said document in question then in that case the entire matter be referred to the Investigating Machinery like CBI so as to see that the fraudulent people cannot escape from the clutches of law.
- (g) For any reasons whatsoever this Hon'ble Court is not inclined to grant relief sought for in terms of prayer clause (a) to (d) then in that case pending hearing and final disposal of Writ Petition No.3463 of 2009 the shuttle services started from Aman Lodge Railway station to Matheran Hill Station and related work be kindly ordered to be stayed.”

2. As far as Prayer Clause (a) is concerned, no substantive relief has been claimed in the main Writ Petition. The prayer Clause (b) is in terms of the substantive relief claimed in the main Writ Petition. As far as Prayer Clauses (c) and (d) are concerned, the same can be considered only at the time of final hearing. The drastic interim relief claimed in terms of prayer clause (b) of closing the train-shuttle service starting from Aman Lodge Railway Station to Matheran Hill Railway

Station cannot be granted as a large number of passengers will be affected.

3. Subject to what is observed above, the Civil Application is rejected. If the Writ Petition is ready for final hearing, the same shall be added to the weekly board as per its turn.

(C.V. BHADANG, J)

(A.S. OKA, J)