

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1844 OF 2013

M/s. Champalal Harakchand	}	
and Ors.	}	Petitioners
versus		
State of Maharashtra and Ors.	}	Respondents

Mr. Pravin Samdani - Senior Advocate
with Mr. Vinay Sanglikar, Mr. Suneet
Tyagi, Mr. Hilaur Vaswani for the
petitioner.

Ms. Geeta Shastri - Addl. Government
Pleader with Mr. Amit Shastri - AGP for
respondent nos. 1 and 3.

Mr. Vijay D. Patil with Mr. Nikhil Chavan
for respondent no. 2.

Mr. Suresh Dubey for respondent no. 4.

Mr. Ravi Kadam - Senior Advocate with
Dr. Birendra Saraf and Mr. Pratik Kothari
i/b. Mr. Yogesh Adhia for respondent no.5.

CORAM :- S. C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.
DATED :- JUNE 8, 2016

P.C. :-

The petitioner has, by this writ petition, sought a writ
of certiorari calling for the records and proceedings pertaining to
the impugned sanctioned plans, details of which are set out in
prayer clause (a) of the writ petition and thereafter scrutinise
them and quash and set aside the same.

2) The further prayer is seeking a direction to the respondents to cancel and/or withdraw/revoke the Intimation of Approval (IOA).

3) Today, when such a petition was placed before us for admission, it is reported that during its pendency, there is a subsequent development. The subsequent development has also been placed on record by contesting respondent no. 5. The affidavit of the partner of the same is taken on record. Annexed thereto is a document styled as revised Letter of Intent (LOI), which deletes and excludes the property which is the subject matter of this writ petition and which the petitioners allege has not been acquired.

4) In our view, once the revised LOI excludes the portion or property which is subject matter of this writ petition, then, nothing survives in the writ petition. In view of this subsequent development and the affidavit placed on record, the writ petition is disposed of by clarifying that this court has not expressed any opinion on the rival contentions. The pendency of this writ petition and any interim order shall not, therefore, preclude a competent court or authority from dealing with such issues as are raised in accordance with law.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)