

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 71 OF 2015

Baliram Shankar Thorat	.. Petitioner
V/s	
Mumbai Metropolitan Regional Development Authority & Ors.	.. Respondents

Ms. Hina Ansari i/b Mr. Sughandh Deshmukh for the petitioner.
Mr. B. Nayak i/b Ms. Chitra Phadane for MMRDA.
Mr. J.G. Reddy for respondent no.4.
Mr. Dushyant Kumar, AGP for respondent nos.2, 5 and 6.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 19th DECEMBER 2016

P.C.:

Initially the writ petition was filed challenging the validity of section 17 of the Mumbai Metropolitan Region Development Authority Act, 1974 (MMRDA Act). During the pendency of the petition, the petitioner died and L.Rs. of the petitioner could not have been brought on record. Till today, in spite of the directions, such amendment is not made to the writ petition.

2. Since challenge to section 17 of the MMRDA Act can be taken up by the legal representatives of the petitioner, if any, as such right survives to the legal representatives, we are of the opinion that

the present writ petition need not be kept pending for that matter. We make it clear that the legal representatives of the deceased petitioner, if they intend to challenge section 17 of the MMRDA Act and similar other challenges made in the writ petition, they are at liberty to file fresh petition.

3. The writ petition is disposed of with the above observations.

(M.S. SONAK, J.)

CHIEF JUSTICE