

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

WRIT PETITION NO. 2326 OF 2013

Mr. Narendra Hira Advani	..	Petitioner
versus		
Union of India & Anr.	..	Respondents

**WITH
WRIT PETITION NO. 547 OF 2016**

Mr. Narendra Hira Advani	..	Petitioner
versus		
Union of India & Anr.	..	Respondents

**WITH
WRIT PETITION NO. 1450 OF 2014**

Neelgagan Investments Pvt. Ltd. & Anr.	.	Petitioners
versus		
Union of India & Anr.	..	Respondents

Mr. Prathamesh Kamat i/b. M/s. Desai Desai Carrimjee & Mulla for Petitioners.
Dr. G. R. Sharma with A. M. Sethna, G. Hariharan, A. R. Varma, D. P. Singh, Anil Yadav i/b. Mr. Pankaj Kapoor for Respondents.

**CORAM: DR. MANJULA CHELLUR, C. J. AND
M. S. SONAK, J.**

DATE : 5 DECEMBER 2016

P.C.:

1] Writ petition no. 2326 of 2013 came to be filed in the year 2013 contending that the property in question cannot be the subject-matter of confiscation and in violation of Article 14 and other Articles of the Constitution since the property in question does not attract the definition of Enemy Property. In other words, according to the petitioner, the Enemy Property Act of 1968 which is sought to be amended, at present, does not apply to the property in question and the petitioner.

2] It is noticed from writ petition no. 2326 of 2013 that several amendment applications on different dates are made to writ petition which were allowed and entire writ petition looks like an embroidered piece of cloth with so many slips being attached. It is possible that there may not be chronological appreciation of material if the petition is taken on record as it is and especially in the light of the prayer made today for further amendment to the writ petition. We direct the petitioners to file fresh petitions with all the provisions which they rely upon and which are already included as amendment to the petitions.

3] It is made clear that the order of *status quo* granted on 11th February 2013 in writ petition (lodging) no. 278 of 2013 will be in force for another eight weeks within which the petitioner is entitled to file fresh petition as indicated above.

4] Learned counsel for the respondents brings to our notice maintainability of the petitions. It is unfortunate that though one of the matters is pending since 2013, till date no interest was shown to hear the matters regarding the maintainability. Now when we directed the petitioners to file fresh petitions, there is lot of noise with regard to maintainability of the petitions. It is made clear that once new petitions are filed, the same will be heard on maintainability.

5] It is made clear that all contentions are kept open.

6] The petitions are disposed of.

CHIEF JUSTICE

(M. S. SONAK, J.)