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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION******PUBLIC INTEREST LITIGATION No. 146 OF 2006******Juhu Citizens Welfare Group and Ors. ...Petitioners******Vs.******The State of Maharashtra and Ors. ...Respondents***

Mr. Shyam Panchmukh i/b. Kran Bhalerao & Co. for Petitioners

Ms. G.R. Shastri – AGP for Respondent Nos. 1 to 4, 6 and 8

Mr. Milind Sathe, Senior Counsel a/w. Pinakin Modi i/b. M/s. Parimal K. Shroff & Co. for Respondent No.11

Mr. Adhip Iyer i/b. AZB & Partners for Respondent No.12

Mr. Birendra Saraf a/w. Mr. Aziz Khan a/w. Shradha Achliya a/w. Raksha Thakkar i/b. Divya Shah and Associates for Respondent Nos. 13 and 14.

CORAM : V. M. KANADE &***Ms. NUTAN D. SARDESSAI, JJ.******DATE : NOVEMBER 21, 2016*****P.C. :**

1. The learned counsel appearing on behalf of the Petitioners submits that the papers have not been transferred to him and, therefore, he has not yet filed his vakalatnama. It is submitted that the copy of the petition is not available either with the Petitioners or with their counsel. He is, therefore, seeking time.

2. On the other hand, Shri Sathe, learned Senior Counsel appearing on behalf of Respondent No.11 submits that on 25th September, 2014 also the Petitioners were absent.

3. The Division Bench of this Court in its order dated 25th September, 2014 has further observed that the notice should be issued to the Petitioners, informing them that the petition was called out on two occasions and both the occasions their advocate on record was absent.

4. Today also the Petitioners are not present. It is obvious that the Petitioners are not keen in pursuing this writ petition. We are, therefore, declined to grant any further adjournment.

5. On the other hand, Shri Sathe, learned Senior Counsel appearing on behalf of Respondent No.11 submits that the Petitioners in this petition are challenging the construction of the building constructed by Respondent No.11. It is submitted that when the petition was filed, Respondent No.11 had constructed almost 50% construction of the building. It is further submitted that now the building is already constructed and the shops and flats have already been sold to the third

party.

6. In our view, taking into consideration this fact, even otherwise, the petition has become infructuous. Hence, writ petition is disposed of.

Ms. NUTAN D. SARDESSAI, J.

V.M. KANADE, J.