

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

WRIT PETITION NO. 1375 OF 2012

M/s. Bhanji Tejshi and Company	}	
and Ors.	}	Petitioners
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Ravi Kadam-Senior Advocate with
Mr. Sanjay V. Kadam, Ms. Apeksha
Sharma, Mr. Rohan Kadam and Mr.
Sanjeel Kadam i/b. M/s. Kadam and Co.
for the Petitioner.

Ms. H. Y. Shah - AGP for Respondent Nos.
1, 2 and 4.

Ms. Anita Borkar for Respondent Nos. 3
and 6.

CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.

DATED :- JANUARY 28, 2016

P.C. :-

1) After having heard the parties for sometime, on
instructions, Mr. Kadam, learned Senior Counsel appearing for
the Petitioners, states that he will not press the Petition, but the
Petitioners, particularly Petitioner No. 9 reserves the right to
bring in a Suit so as to establish its title to the immovable
property and prove it in accordance with law.

2) Since the Petitioners have given up their challenge to the vires of the legal provision involved in the Petition and since it is conceded that there are disputed issues of fact, which may have to be resolved only by a competent Civil Court, we dispose of this Petition as not pressed.

3) The Petitioners' further request comes in the light of an ad-interim order passed by this Court on the Writ Petition and which is operative from 18th July, 2012. That directs that pending the hearing and final disposal of this Petition, the contesting Respondents shall not give effect to and/or implement and/or enforce the said impugned order dated 6th February, 2012 and equally, the Petitioners must maintain the status quo as regards the land in their possession. This order has been modified on 27th August, 2012. Rather, there was a correction and prayer clause "e" was added.

4) After hearing all parties on this point and since the Petitioners and one of them all the more desires to bring in a Suit, we direct that without prejudice to rights and contentions of all parties including Respondent No. 6, the ad-interim order passed on 18th July, 2012 and 27th August, 2012 shall continue for a period of six weeks from today. However, we clarify that in doing so, we have not examined the merits of the controversy or the

rival contentions in relation thereto. Our order and direction, therefore, does not bind any Civil Court or any learned Judge presiding over to continue the ad-interim order. The continuation or grant of any substantive interim order would entirely depend upon the pleadings before the said Court and consideration by that Court of all materials independent of the grant of ad-interim order by this Court and its continuation.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)