

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

WRIT PETITION NO. 2786 OF 2008

**WITH
CHAMBER SUMMONS (L) NO. 262 OF 2016**

Sameer H. Kapadia	}	Petitioner
versus		
The Additional Collector	}	
(Encroachment and Removal	}	
and Anr.	}	Respondents

Mr. Bidan Chandran for the petitioner.

Ms. Geeta Shastri - Additional
Government Pleader for respondent no. 2.

Mr. Rajesh Kachare i/b. Mr. Amit Potnis
for respondent no. 5.

Mr. V. A. Thorat - Senior Advocate with
Ms. Prachi Sugdare and Ms. Rasika
Bagkar i/b. M/s. Bagkar and Co. for
respondent no. 8.

Dr. Milind Sathe - Senior Advocate with
Mr. Naushad Engineer i/b. Mr. Sangram
Singh Yadav for respondent no. 9.

Mr. Fredun Devitre - Senior Advocate i/b.
M/s. Crawford Bayley and Co. for the
applicant in CHSWL/262/2016.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- SEPTEMBER 14, 2016

P.C. :-

In the light of the earlier orders passed by this court on this writ petition, we do not think that this writ petition should be kept pending. It is entirely for the State to decide as to what it desires to do in furtherance of the show cause notice dated 9th September, 2008.

2) Since it is the conceded position before us that the petition challenges only such a notice, then, its pendency does not serve any useful purpose. More so when we have vacated the ad-interim order. The writ petition is accordingly disposed of. It is entirely for the State to go ahead and decide whether to acquire the property and we have no doubt that while taking such decision, the State will follow due process of law.

3) Needless to clarify that we have not expressed any opinion as far as the merits of the controversy are concerned.

4) In the light of the disposal of the writ petition, the chamber summons does not survive and stands disposed of as such.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)