

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

WRIT PETITION (L) NO. 3213 OF 2016

Bombay Gymkhana Ltd. and Ors.	} }	Petitioners
versus		
The State of Maharashtra and Ors.	} }	Respondents

Mr. Janak Dwarkadas – Senior Advocate with Mr. Aditya Thakkar, Mr. Dinesh Pednekar, Mr. Rishabh Agarwal and Mr.Chanakya Changez Keswani i/b. M/s. Economic Law Practice for the Petitioners.

Mr. N. V. Walawalkar – Senior Advocate with Ms. Geeta Shastri – Additional Government Pleader for respondent no. 1 and 4.

Mr. A. Y. Sakhare – Senior Advocate with Ms. Komal Punjabi and Mr. H. C. Pimple for respondent nos. 2, 3 and 5.

Mr. Kiran Dighavkar – Assistant Commissioner D/Ward present.

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

DATED :- DECEMBER 9, 2016

P.C. :-

1. This writ petition is filed on an apprehension that the portions of the petitioners' property would be taken over in the process of road widening project.

2. The petition proceeds on the footing that there is a threat of dispossession and forcibly. Further, some coercive measures would be initiated so as to deprive the petitioners of their property.

3. Mr. Sakhare, learned Senior Counsel appearing for respondent nos. 2, 3 and 5, on instructions, states that the entire petition is premature. In that regard, he invited our attention to para 6 at page 4 of the paper book and the wording of prayers (a) and (c) at page 25. On instructions, Mr. Sakhare makes a statement that these respondents have only initiated preparatory steps, including carrying out a survey. They are bound to act in accordance with law. Today there is no apprehension that the law is violated or breached. In these circumstances, there is no need to entertain this writ petition.

4. After hearing both sides and in the light of the statements made by Mr. Sakhare on instructions, we do not think that the petitioners' apprehension that they would be deprived of their property without due process of law is well founded. Once the statements are made by Mr. Sakhare on instructions from the competent authority that only preparatory steps are initiated and law will be followed, then, we need not keep this writ petition pending. Accepting these statements as undertakings given to

this court and holding that the writ petition is premature, the writ petition is disposed of. We clarify that we have not expressed any opinion on the rival contentions.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)