

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 149 OF 2002

Shri. Dharmendrakumar T. Goyal & ors. ... Petitioners

vs.

The State of Maharashtra & ors. ... Respondents

Mr. Rajendra Sorankar a/w Mr. Ketan Dabke, Advocate for the petitioners.

Mr. S. R. Agarkar, A.P.P. for the State/respondent no.1.

Coram : Smt. R. P. SondurBaldota, J.

Date : 13th January, 2017

P.C. :

1. The three petitioners herein challenge the order passed by the Sub-divisional Magistrate, Thane Division, Thane, under Section 133 of Criminal Procedure Code ('Cr.P.C.', for short), which has given following directions :

“(1) In the above mentioned areas work of filling with soil/transporting stones/breaking stones/or work related to road should be stopped.

(2) Thane Municipal Corporation should immediately stop dumping waste materials at a new site.

(3) No trees whatsoever should be cut down.”

2. Mr. Sorankar, the learned advocate for the petitioners states that petitioners no.2 and 3 are not concerned with the proceedings under Section 133 of Cr.P.C. and that they have been wrongly impleaded to the petition. The petition filed by them is therefore dismissed as not maintainable.

3. As regards petitioner no.1, against whom the directions no. (1) and (3) were issued by the Sub-divisional Magistrate, Thane Division, Thane, Mr. Sorankar states that he expired on 16th June, 2008 and tenders his Death Certificate. Consequently the petition has become infructuous. The same is accordingly disposed off.

[Smt. R. P. SondurBaldota, J.]