

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

WRIT PETITION (L) NO.161 OF 2017

United India Insurance Co. Ltd. .. Petitioner

vs.

Cambata Trust and Ors. .. Respondents

Mr.K.N.Kandekar for the petitioner

Mr.A.L.Patki, A.G.P. for the State

Mr.Deepak Narayan Jadhav, Tahsildar, Labour Dues Recovery, Mumbai City District

Mr.Sonu Tandon for respondent no.1

Mr.Pankaj Mehra, Administrative Officer (Legal), Authorised Officer of petitioner / United India Insurance Co. Ltd.

CORAM : K. K. TATED, J.
DATE : FEBRUARY 1, 2017

PC.:

1 Heard the learned counsel for the parties.

2 By this petition under Article 226 of the Constitution of India the Petitioner is challenging the action taken by the respondent State attaching and sealing their property i.e. Office at 3rd floor, Cambata Building, East Wing, 42, Maharshi Karve Road, Mumbai on 18.1.2017.

3 The learned A.G.P. for the respondent State submits that pursuant

to the order dated 19.1.2017 passed by the Division Bench of this court in Writ Petition (L) No.148 of 2017, S.C.Cambata Trust vs. State of Maharashtra and Ors., they have already de-sealed the suit property and handed over possession to the petitioner.

4 Petitioner also accepts that as on today, petitioner is in possession of the suit property.

5 The learned A.G.P. for the respondent State submits that he received instruction from his officer Mr.Deepak Narayan Jadhav, Tahsildar, Labour Dues Recovery, Mumbai City District who is present in court to make a statement that they will follow due process of law before taking any action against the petitioner for recovery of sum of Rs.4,45,14,633/- as per the order passed by Industrial Court, Mumbai in complaint (ULP) No.196 of 2016. Neither they will evict the petitioner or seal the suit property without following due process of law.

6 Statement made by the learned A.G.P. is accepted. The learned A.G.P. submits that they have already attached the suit property and that be continued so that they can follow due process of law. Same is accepted and that will continue.

7 The learned counsel for the petitioner after taking instruction from his client Mr.Pankaj Mehra, Administrative Officer (Legal) who is present in court makes a statement that they will not create any third party right, title and interest in respect of the suit premises without leave from the court. Statement is accepted.

8 In view of the statement made by the learned A.G.P. for the respondent State, nothing survives in the present Writ Petition.

9 Hence, Writ Petition stands disposed of on the basis of statement made by the learned A.G.P. and advocate for the petitioner.

10 Liberty granted to the learned counsel for respondent no.1 Cambata Trust to file their Vakalatnama within one week from today.

JUDGE