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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 2771 OF 2018
WITH
CIVIL APPLICATION (ST) NO.15969 OF 2018

Shri Mukund Bhavan Trust and Ors. ... Petitioners
Vs.
State of Maharashtra and Ors. ... Respondents

Mr. D.V. Deokar a/w Mr. Pinakin Modi I/b. M/s. Parimal K. Shroff & Co. for the Petitioners and Applicant in CAW/15969/2018.

Mr. P.G. Sawant, AGP for the Respondent Nos.1 to 3.

Mr. S.G. Karandikar a/w Mr. V.S. Kapse I/b. Mr. Shailesh D. Chavan for the Respondent No.4.

CORAM : A.S.OKA AND M.S. SONAK, JJ.

DATE : 7th SEPTEMBER 2018.

P.C. :

1 Heard the learned counsel appearing for the parties.
Prayers (a) and (b) are the only substantive prayers which read thus :-

“(a) That this Hon'ble Court be pleased to issue writ of prohibition or writ in the nature of prohibition or any other appropriate writ, order or direction under Articles 226 and 227 of the Constitution of India restraining and prohibiting the Respondent Nos.2, 3, and 4 from any manner proceeding with or holding any enquiry or investigation on the basis of the complaint made by Respondent NO.4 about his title to the Petitioners land on the basis of his letter/representation dated 17th May, 2017 or in any other manner;

- (b) That this Hon'ble Court be pleased to issue writ of certiorari and/or Writ in the nature of certiorari and/or any other appropriate writ, order and/or direction in the nature of certiorari calling for the records and proceedings pertaining to the enquiry initiated and continued and being adjudicated by Respondent Nos.1 to 3 on the basis of the so-called complaint/representation dated 17th May, 2017 made by the Respondent No.4 and after examining the validity, legality and propriety of such inquiry and investigation, the same be quashed and set aside.”

2 From the petition, it appears that the same is filed on the basis of apprehension. If the first, second and third respondents desire to take action on the basis of the complaint made by the fourth respondent, obviously all persons affected including the petitioners will have to be heard in the matter. As of today, there is no adverse order passed against the petitioners.

3 Therefore, at this stage, no interference can be made in writ jurisdiction under Article 226 of the Constitution of India. We make it clear that we have made no adjudication on the merits of the complaint/the letter of the fourth respondent and the merits of the contentions raised by the petitioners.

4 Subject to what is observed above, the petition is disposed of. Civil application is disposed of accordingly.

5 If any order is passed to the prejudice of the petitioners, they can always challenge the same in accordance with law.

(M.S. SONAK, J.)

(A.S.OKA, J.)