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

WRIT PETITION NO. 1746 OF 2017

Poddar Infraventures Limited. ..Petitioner.
Versus
Union of India & Others. ..Respondents.

Mr. Rafique Dada, Senior Advocate along with Amol Bavare, Krishna Baruah I/b Pragnya Legal for the Petitioner.
Mr. Sandesh D. Patil with Mr. D. P. Singh for Respondent No. 1 to 3.
Mr. Sagar Patil for MCGM.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **June 19, 2018**.

P. C. :

1. On 19th December 2013, the Petitioner had received notice under section 6 of the Enemy Property Act, 1968 to show cause as to why the sale-deed in respect of Dhun Supariwala should not be declared as void and an order be not passed for re-vesting the property. This show-cause notice was challenged by the Petitioner by filing writ petition in this Court being Writ Petition No. 1210 of 2014. By the order dated 7th January 2014 this Court by way of interim arrangement, directed Respondent No.1 to maintain status quo. On 11th June 2015 this Court disposed of the said writ petition by directing Respondent No.2–Authority to take decision within the timeframe of three months. Pursuant to the said order, on 14th July 2015 the

Petitioner filed a reply to show-cause notice. Apparently, though hearing has taken place on the said show-cause notice, no decision is taken as of today.

2. In the meanwhile, on 10th April 2017, the Municipal Corporation for Greater Mumbai issued notice under section 354 of the Mumbai Municipal Corporation Act, 1888 directing demolition of Diana Talkies. Therefore, the Petitioner had approached this Court, challenging the notice dated 19th December 2013, which was also the subject matter of earlier writ petition as well as the notice issued by the BMC under section 354 of the MMC Act. The Petitioner has sought to restrain the Respondents from in any manner treating the transaction of transfer of leasehold interest in the Diana Talkies property by assignment deed dated 6th September 2007 in favour of the Petitioner as transfer of enemy property or a transfer by enemy or enemy subject. The Petitioner also sought permission to demolish Diana Talkies building in accordance with the notice dated 10th April 2017 issued by BMC.

3. This Court by the order dated 4th May 2017 *[Coram : Shantanu Kemkar and B. P. Colabawalla, JJ]* issued notice to the Respondents and permitted the BMC to proceed to demolish the structure of Diana Talkies in accordance with the notice dated 10th

April 2017. Admittedly, the said building of Diana Talkies is demolished as per the said order of the Court.

4. In the meanwhile on 21st March 2018, the Central Government issued an order prescribing the guidelines for the disposal of enemy properties being “Guidelines for the disposal of Enemy Property Order, 2018”. In pursuance of the guidelines laid down in the said order, on 23rd April 2018 the Petitioner applied to the Joint Secretary, Ministry of Home Affairs for appropriate orders and this application / representation is still pending.

5. Mr. Rafique Dada, the learned senior counsel for the Petitioner makes a statement that his grievance would stand redressed if this Court directs the Committee constituted under the said Guidelines / Order to decide the Petitioner's representation dated 23rd April 2008 within a certain timeframe. The learned counsel for Respondent Nos.1 to 3 also has no objection if the Committee is directed to decide the Petitioner's representation within a certain timeframe.

6. In the light of above, we dispose of this writ petition by passing following order :

-: O R D E R :-

1] The Committee constituted under the Guidelines /

Order issued by the Central Government is directed to decide the Petitioner's application / representation dated 23rd April 2018 as expeditiously as possible and preferably within the period of four months from the date of receipt of a copy of this order.

2] All points and contentions are kept open.

3] In the event order passed by the Committee is adverse to the interest of the Petitioner, the Petitioner is at liberty to challenge the same before the appropriate Court.

[SMT. ANUJA PRABHUDESSAI, J.] **[RANJIT MORE, J.]**