

SSK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1062 OF 2001**

New Blue Flame Premises Co-op. Society
Ltd. ...Petitioner

Versus

The State of Maharashtra ...Respondent

WITH

WRIT PETITION NO. 2092 OF 2002

Thirty Percy Vakil ...Petitioner

Versus

Additional Commissioner, Konkan
Division & ors. ...Respondents

Mr. Atul S. Singh, for the Petitioner.
Ms. Jyoti Chavan, AGP for Respondent nos.1 to 3.
Mr. Bobby Malhotra, for Respondent no.4.

CORAM: S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATED: 19th JULY, 2018

PC:-

1. By this Writ Petition under Article 226 of the Constitution of India, the following relief is claimed:

“(a) For a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or

direction under Article 226 of the Constitution of India calling for the records of the case and after going into the legality, validity and propriety of the same, quashing and setting aside the said impugned orders i.e. impugned order, demand notice and 48 hours demand notice all dated 22.3.2001 (being Exhibits 'N', 'P' & 'T' hereto) as well as the impugned notice/order dated 16.10.2000 (Exhibit 'L' hereto)."

2. After this Writ Petition was heard for sometime, the learned AGP appearing on behalf of Respondent nos.1 to 3, on instructions, states that since this Peition has been admitted on 4th May, 2001 and there was an interim order restraining the Government from giving effect to the impugned demand notices and there is a change in the policy of recovering ground - lease land pertaining to the Government land - premises, these Respondents will withdraw all these demand notices and grant a fresh hearing to the Petitioner as also the 4th Respondent. It will pass a fresh reasoned order.

3. This statement, made on instructions, are accepted as an undertaking to this Court.

4. The Writ Petitions are disposed of by quashing and setting aside the impugned demand notices.

5. The Respondent, and particularly the Collector of the District will pass a fresh order after hearing the Petitioners and on merits. This order shall be passed uninfluenced by the earlier action and the demand notices.

6. The Writ Petitions are disposed of in these terms. No order as to costs.

[SMT BHARATI H. DANGRE, J.]

[S. C. DHARMADHIKARI, J.]

Santosh
Subhash
Kulkarni

Digitally signed
by Santosh
Subhash
Kulkarni
Date:
2018.07.23
17:10:26 +0530