

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

WRIT PETITION NO. 2545 OF 2013

Mira Real Estate Developers

.. Petitioner

v/s.

Union of India.

..Respondents

Mr. Girish Godbole, Ms. Rujuta Patil i/b. Negandhi Shah & HImayuatullah for the Petitioners.

Mr. Anil Singh, Addl. Solicitor General of India a/w. B. R. Rajguru, Anil Yadav and Jyotsana Pandhi for the Respondent.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : JULY 16, 2018.

P.C. :

1. Heard the learned Counsels for the respective parties.
2. The petitioner herein has challenged the Order dated 4th September, 2013, whereby the respondent has cancelled the lease granted in favour of M/s. Mira Salt Works Company and further ordered to take over possession of the property under lease.
3. The lease has been cancelled mainly on the ground of breach of

terms and conditions of the lease deed. Shri Singh, the learned Addl. Solicitor General submits that subsequent to the said order, possession of the land has already been taken. This statement is disputed by Shri Godbole, the learned Counsel for the petitioner.

4. In the light of the above, it is apparent that the petition involves disputed question of facts. The petitioner has alternative efficacious remedy. Hence we are not inclined to interfere with the petition.

5. It may be mentioned that by Order dated 7th September, 2013 this Court had stayed the impugned action, and the petitioner was also directed to maintain status quo in respect of the property in all respects. Since ad-interim relief is in operation since 2013, we continue the ad-interim relief granted by the said order for a period of three weeks from today, in order to enable the petitioner to take appropriate steps for availing alternative remedy.

6. It is made clear that we have not gone into the merits of the case. All points and contentions are kept open.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)

Prasanna
Pradeep
Salgaonkar

Digitally signed by
Prasanna Pradeep
Salgaonkar
Date: 2018.07.17
15:52:02 +0530