

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3093 OF 2014

Hemant Bhikhubhai Dalal. ...Petitioner.

Versus

The State of Maharashtra & ors. ...Respondents

None for Petitioner.

Mr. F.R. Shaikh, APP for State.

**CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.**

DATE : NOVEMBER 8, 2019.

P.C.:

1 Nobody for petitioner. Learned APP appears for respondent Nos. 1 and 2.

2 Petition has been filed on 8/8/2014 and is pending without any orders till date. Petitioner seeks registration of FIR of dacoity and appropriate further action.

3 Facts show that dispute is in relation to redevelopment. In Writ Petition No. 1522/2013 on 17/2/2014 Division Bench of this Court has passed an order and observed that it was convinced that respondent corporation needed to take steps in accordance with law including drastic action in case occupants had not vacated the premises in their possession. It appears

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that according to Corporation, building was dilapidated and required demolition at the earliest. It is also observed that the petitioner before it namely, M/s. Mehul Realtors Private Limited was not under an obligation to provide an alternate accommodation to occupants of one room separately.

4 Petitioners claim that on 17/4/2014 M/s. Mehul Realtors informed them that room premises occupied by them were only 480 sq.ft. equivalent to 44.59 sq.mtrs. They also pointed out that conveyance inadvertently recorded said area to be 59.48 sq. mtrs.

5 It is in this backdrop on 31/7/2014 when room premises were locked and nobody from the family was present, the offenders with the help of respondent officials broke open the lock of the house and took away entire property.

6 Respondents before this Court are State of Maharashtra, Commissioner of Police. Senior Inspector of Police has been joined by name as party respondent No. 3 and Municipal Commissioner of Gr. Mumbai (Then) is also joined by name.

7 There is reference to the fact that one Goradia gang operated in the field of business of buying dilapidated buildings. Names of certain persons are also given as the members of that

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gang. However, relevance of their names or their involvement in the alleged dispossession on 31/7/2014 is not demonstrated.

8 As matter has remained pending in this backdrop without any orders, we are not inclined to intervene in extraordinary jurisdiction of this Court. With liberty to petitioner to take such other steps as open in law, we dispose of present Writ Petition.

(SMT. SADHANA S. JADHAV, J) (B.P. DHARMADHIKARI, J)