

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

PUBLIC INTEREST LITIGATION NO.64 OF 2014

Girni Kamgar Karmchari Niwara &
Kalyankari Sangh, through its
Secretary, Hemant B. Raul

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Sandeep Mahadik i/by Mr. Saiyed Imtiyaz Hussain, Advocate for
the Petitioner.

Ms. Geeta Shastri, Addl. Govt. Pleader for Respondent No.1 – State.

Mr. S. S. Pakale a/w Ms. K. H. Mastakar, Advocates for Respondent
No.2 – MCGM.

Mr. V. M. Parshuramani, Advocate for Respondent No.3.

Mr. R. A. Dada, Senior Advocate a/w Mr. Abhay Jadeja, Mr. Rohan
Kelkar & Mr. Varun Satya i/by M/s. Crawford Bayley & Co.,
Advocates for Respondent No.4.

Mr. Kevic Setalvad, Senior Advocate a/w Mr. Aditya Thakkar & Mrs.
Nandini Joshi i/by Harish Joshi & Co., Advocates for Respondent
No.5.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 17th OCTOBER, 2019

P.C.

1] We terminate proceedings in the instant Public Interest
Litigation for the reason relief as prayed is incapable of being granted.
The Petitioner desires a direction to be issued against either MCGM or
MHADA to recover the land on which Textile Mill was set up. The
owner of the land is one Mr. Nusli Wadia who has leased the same to

(7)-PIL-64-14.doc.

Respondent No.5. There is a suit pending concerning the right of Respondent No.5 in the land in question. Till the suit is decided no development can take place. The issues raised in the Petition would be triggered when development takes place whether by Respondent No.5 or owner of the land which in turn would depend upon the suit pending between the two.

2] The Petition is accordingly dismissed.

Balaji G.
Panchal

Digitally signed
by Balaji G.
Panchal
Date: 2019.10.17
16:50:59 +0530

SMT. BHARATI DANGRE, J

CHIEF JUSTICE