

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7925 OF 2023**

Vidyut Metalics Pvt Ltd & Anr ...Petitioners
Versus
Maharashtra Industrial Development Corporation ...Respondents
& Ors

Mr Aspi Chinoy, Senior Advocate, with Rohaan Cama, Shweta Jaydev, Anuja Bhansali & Aman Sadiwala, i/b Rashmikanth and Partners, for the Petitioners.
Dr Birendra Saraf, Advocate General, with Akshay Karlekar, Abhishek Karnik & Yogi M, i/b Shreeyog Law Associates, for Respondents Nos. 1 to 3 (MIDC).
Mrs PJ Gavhane, AGP, for State/Respondent No. 4.

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 11th July 2023

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PC:-

1. Dr Saraf, learned Advocate General for MIDC makes a statement on instructions that if MIDC is to resume possession of the plot allotted to the Petitioners and which is the subject matter of the impugned notice, this will be done strictly in accordance with law.

2. In this context, Mr Chinoy invites our attention to a decision in *Mahendra Builders v Brihan Mumbai Municipal Corporation of Greater Mumbai & Ors*¹ delivered by one of us, GS Patel J, sitting singly, and also the reference in that order to the Supreme Court decision in *State of Uttar Pradesh v Maharaja Dharmander Prasad Singh*.²

3. The statement made by the learned Advocate General is noted and accepted.

4. We also note that the dates specified in the impugned notice for “possession” have passed but no coercive steps have yet been taken.

5. For the rest, we are not inclined to interfere. It is open to the Petitioners to file a civil proceeding if they deem fit for further reliefs.

6. All contentions are expressly kept open.

7. The Petition is disposed of in these terms. No costs.

(Neela Gokhale, J)

(G. S. Patel, J)

1 2019 SCC OnLine Bom 256.

2 (1989) 2 SCC 505.