

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 12121 OF 2024**

Marvel Landmarks Pvt. Ltd.

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

.....

Mr. Amit A. Gharte, Advocate for the Petitioner.

Ms. Pooja Joshi Deshpande, AGP for Respondent Nos.1, 3 and 4 – State.

**CORAM : R. M. JOSHI, J.**

**DATED : 30<sup>th</sup> AUGUST, 2024.**

**P.C. :**

1. Heard learned counsel for the petitioner. It is his submission on the basis of the Judgment of the Full Bench of the Hon'ble Supreme Court that the impugned order passed by the Adjudicating Authority dated 17.12.2019 is without jurisdiction and therefore non-est. If it is so, it is open for the petitioner to raise this objection in execution proceedings or in any other collateral proceedings. This Court is of the view that a writ Court cannot declare any orders non-est as the same would be within the domain of the Civil Court for issuance of such declaration. Nevertheless it would be open for the petitioner to raise the issue about the order being non-est for want of jurisdiction even in the execution proceeding.

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2. At this stage, learned counsel for the petitioner seeks time to take instructions. At his request, stand over to **9<sup>th</sup> September, 2024.**

( R. M. JOSHI, J.)