



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13957 OF 2024

Constrokraft Properties LLP, through its partner
Ahmed Hafeez Ahmed Inamdar & Anr.

... Petitioners

Versus

The Poona Dicocean Corporation Pvt. Ltd. & Anr.

... Respondents

Mr. Abhishek Nandhimath a/w. Mr. Praful Vahi, Mr. Parag Deshpande i/b.
Mr. Shivaji Nirmale for Petitioners.
Ms. S.S. Bhende, AGP for Respondent-State..

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 27 JANUARY 2025

P.C.

1. This petition is filed under Article 226 of the Constitution of India
praying for the following substantive reliefs:

“a) To issue a Writ of Certiorari or Writ of Mandamus or any other Writ by quashing and setting aside the order passed by the said authority on 28.10.2015 and reopen the proceedings of application bearing no. 34/2012 and consider the application of the petitioner and to decide the same in accordance with law.

d) To issue a Writ of Certiorari or Writ of Mandamus or any other Writ directing trustees of respondent no. 1 trust to restore/take back the possession of the said property with the trust and not to deal with the trust property in an arbitrary or illegal manner without following proper legal remedy provided under Section 36 of the Maharashtra Public Trusts Act, 1950.”

2. Learned counsel for the petitioner has brought to our notice an order dated 26 April, 2013 passed by the Joint Charity Commissioner, which reads thus:

“Perused the file. Tenders were called by the trust in the 2011. Hence, fresh tenders be called by publication of Tender Notice in Marathi and English newspaper. Applicant to submit the draft of tender notice till next date.”

3. From the perusal of order, the contention of the petitioner appears that he would have participated in the proposed tender process. He would have been a prospective bidder in the event tenders were to be issued. However, we are informed that no public notice of the tender in this regard was issued after the aforesaid order.

4. In this view of the matter, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file appropriate proceedings .

5. Allowed to be withdrawn with liberty as prayed for keeping open all the rights and contentions of the parties.

6. Disposed of. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI , J.)