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

WRIT PETITION NO. 985 OF 2024

Javed Shaikh

...Petitioner

Versus

State of Maharashtra

...Respondent

None for Petitioner.

*Ms. P. H. Kantharia, Government Pleader for Respondent Nos.
1,2,3,5,8,9 and 10.*

*Mr. Walawalkar, Senior Counsel through VC with Ms. Jyoti
Mhatre and Mr. Sunil C. Khandagale i/b Komal Punjabi,
for Respondent Nos.4, 6 and 7.*

*Mr. V. Patil, Sakinaka Traffic Division and Mr. Anand Jalkar,
Court Cell Traffic, Present in Court.*

**CORAM: M.S. Sonak &
Advait M. Sethna, JJ.**

DATED: 07 NOVEMBER 2025

PC:-

1. None for the Petitioner.
2. Ms. P. H. Kantharia, learned Government Pleader, appears for the State of Maharashtra, and Mr. Walawalkar, learned Senior Counsel, appears along with Ms. Jyoti Mhatre for the Brihanmumbai Municipal Corporation.

3. On 10 October 2025, when this Petition was called out for hearing, we recorded that neither the Petitioner nor his Advocates were present. In order to grant the Petitioner an additional opportunity, we had listed this matter today under the caption 'For Dismissal'.

4. Even today, neither the Petitioner nor his Advocates appear in this matter. Ms. Kantharia and Mr. Walawalkar point out that this Petition concerns setting up a huge giant wheel during the Urus Fair at Powai, Mumbai, in February 2024. They point out that the Urus Fair has concluded and there was no such giant wheel installed or operated. They submit that this is probably the reason why the Petitioner has lost interest in pursuing this matter.

5. Mr. Walawalkar, learned Senior Advocate for the BMC, pointed out that even otherwise, the BMC has filed an affidavit in this Court stating that before any permissions are granted for installing giant wheels, several conditions are imposed to ensure safety and stability. He submitted that an affidavit has been filed to this effect in this Petition.

6. Now that the festival has concluded and, factually, there was no giant wheel installed in February 2024, we too think that the Petitioner has lost interest in pursuing this matter. Despite the opportunity granted by us, neither the Petitioner nor his Advocate has bothered to appear in this Petition.

7. Accordingly, we dispose of this Petition by granting liberty to the Petitioner to take such steps as may be permissible in law, should the cause of action revive, and should the Petitioner not be satisfied with the affidavit filed on behalf of the BMC, which is the Licensing Authority in such matters.

8. Further, we clarify that we have not examined the rival contentions in this Petition and, therefore, all contentions of all parties as raised in this Petition are expressly kept open.

9. This Petition is disposed of in above terms and above liberties without any order for costs.

(Advait M. Sethna, J)

(M.S. Sonak, J)