

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

WRIT PETITION NO. 5175 OF 2024

Tarun Ramchand Israni

...Petitioner

Versus

The Custodian of Enemy Property for India & Ors.

...Respondents

Ms. Shaista Pathan a/w Shahbazkhan Sandi and Saloni Kharedia i/by
YNA Legal LLP for the Petitioner.

Ms. Sanya Arora (through VC) for Respondent Nos.1 & 2.

Mr. Vishal Thadhani, Addl.GP a/w Rita Joshi, AGP for Respondent
Nos.3 & 4.

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

DATED : 14 November 2025

P.C.:-

1. Heard learned counsel for the parties.
2. The Petitioner challenges the communication dated 23 December 2021 declaring the Petitioner's properties as enemy's properties.
3. Ms. Arora, learned counsel for Respondent Nos.1 and 2 object to the entertainment of this Petition on the ground that the Petitioner has alternate remedy under Section 18 of the Enemy Property Act,

1968. This alternate remedy requires the Petitioner to make a representation/Appeal to the Jt. Secretary (FFR/MHA), Government of India.

4. Learned counsel for the Petitioner, on instructions, states that such a representation/Appeal would be made within four weeks from the date of uploading of this order. If such representation is indeed made within four weeks, we direct the learned Jt. Secretary to dispose of the same on its own merits and in accordance with law as expeditiously as possible and preferably within four months from the date of its receipt. Learned Jt. Secretary must hear the Petitioner and any other affected parties and pass a reasoned order. Such order must be communicated to the Petitioner within the period now intimated by us. In a similar matter, on behalf of Respondent Nos.1 and 2, a statement had been made that no coercive action would be taken against the Petitioners until the representation was disposed of.

5. Accordingly, even in this matter, we direct that for a period of four weeks from today and if any representation is made by the Petitioner within this period, until the learned Jt. Secretary dispose it of and the decision is communicated to the Petitioner, no coercive action should be taken against the Petitioner or the property in question. If the decision is adverse to the interest of the Petitioner, then, no coercive action should be taken for a period of at least 30 days from the date of communication of such decision. If the decision is adverse to the interest of the Petitioner, the Petitioner will be at liberty to challenge the same in accordance with law.

6. Ms. Arora fairly states that no coercive action would be taken until the Petitioner's representation is disposed of and for a period of 30 days thereafter should the decision be adverse to the interest of the Petitioner.

7. All contentions of all parties on merits are however left open to be decided by the learned Jt. Secretary with the first instance.

8. The Petition is disposed of in the above terms and with the above liberties without any order for costs.

(Advait M. Sethna, J)

(M. S. Sonak, J.)