

Digitally signed by
HEMANT
CHANDERSEN SHIV
Date: 2026.04.23
18:24:21 +0300

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.4084 OF 2024

Sachanand Gagumal Lakhwani

...Petitioner

Versus

Union of India

Through Government Pleader

...Respondent

Mr. Prerak Choudhary for the Petitioner.

Mr. Rahul Arora with Sanya Arora for the Respondent Nos.1, 2, 3 and 5.

Mr. Prashant Kamble, AGP FOR Respondent Nos.4, 6 to 8 for the Respondent-State.

CORAM : SUMAN SHYAM &

SHYAM C. CHANDAK, JJ.

DATED : 21st APRIL, 2026

P.C. :-

1. Heard Mr. Choudhary, learned Counsel for the Petitioner, Mr.Arora, learned Counsel for Respondent Nos.1, 2, 3 and 5 and Mr.Kamble, learned AGP for Respondent Nos.4, 6 to 8.

2. The Writ Petitioner herein has approached this Court primarily being aggrieved by the Notice No.1 dated 10th October 2023 and Notice No.2 dated 11th January 2022 whereby an attempt has been made to take over the property belonging to the Petitioner by treating it as enemy property under the Enemy Property Act, 1968. As per the projection made at the Bar, the property in question belongs to the Petitioner, who had migrated

from Pakistan to India after facing atrocities in that country and therefore the property cannot be termed as enemy property.

3. Mr. Arora, learned Counsel for Respondent Nos.1 to 3 and 5 on the other hand, has questioned the maintainability of the Writ Petition by submitting that the Petitioner has a remedy under Section 18 of the Enemy Property Act, 1968 to prefer a representation before the Joint Secretary of the Home Department, Government of India against the impugned notices.

4. In response to the above, the learned Counsel for the Petitioner submits that if some protective order is passed by this Court, his client would not have any difficulty in approaching the Joint Secretary of the Home Ministry by preferring a representation. The learned Counsel for the Respondents are also agreeable to the said suggestion. The learned Counsel for Respondent Nos.1, 2, 3 and 5 has disarmingly submitted that if the Petitioner prefers a representation, the Respondents will not take any coercive action against him till such time, the representation is disposed of.

5. Taking note of the submission made at the bar, we dispose of Writ Petition by granting four weeks time to the Petitioner to submit a representation before the Joint Secretary of the Home Ministry under Section 18 of the Enemy Property Act, 1968 in the requisite format. If such representation is filed within four weeks from today, by enclosing a copy of this order, the same be considered on merit and dispose of by reasoned order, after giving adequate opportunity of being heard to the petitioner.

Until such time, a final order is passed by the said Authority, no coercive action be initiated against the Petitioner in respect of the subject property.

6. Parties to act on authenticated copy of this order.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)