

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG) NO.5983 OF 2020

The Union of India ...Petitioner

versus

State of Maharashtra & Ors. ...Respondents

WITH

INTERIM APPLICATION (L) NO. 6943 OF 2021

AND

INTERIM APPLICATION NO. 151 OF 2022

IN

WRIT PETITION (L) NO.5983 OF 2020

Zoru Darayus Bhathena .. Applicant

In the matter between:

The Union of India ...Petitioner

versus

State of Maharashtra & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 262 OF 2021
IN
WRIT PETITION (L) NO. 5983 OF 2020

Mumbai Metropolitan Region
Development Authority .. Applicant

In the matter between:

The Union of India ...Petitioner

versus

State of Maharashtra & Ors. ...Respondents

Mr. Manoj Shirsat a/w. Mr. Sayeed Y. Mulani and Ms. Shobhana Waghmare for the Petitioner in PIL(L)/14160/2021 and for the Applicant in IA/2649/2021.

Mr. Anil C. Singh, Addl. Solicitor General a/w. Mr. Rui Rodrigues, Mr. Aditya Thakkar, Mr. D.P. Singh, Mr. Gauraj Shah and Mr. Pralhad Paranjpe, Mrs. Smita Thakur, Mr. Pranav Thakur for the Petitioner in WPL/5983/2022 and

WP(L)/3523/2020 and for Respondent No.1 in PIL(L)2688/2021 and for Respondent Nos. 5 to 7 – UOI in WP/471/2021.

Mr. Saket Mone, Mr. Subit Chakrabarti, Mr. Abhishek Salian, Mr. Devansh Shah i/by Vidhi Patners for applicant (MMRDA) in IA/262/2021 and for Respondent No.11/MMRDA in WPL/5983/2020 and for Respondent No.4/MMRDA in WPL/7877/2020.

Mr. Ashutosh Kumbhakoni, Advocate General a/w. Mr. Akshay Shinde, B-Panel Counsel and Ms. Jyoti Chavan for Respondent no.1/State in WPL/5983/2020 and PIL(L)/14160/2021.

Mr. Ashutosh Kumbhakoni, Advocate General a/w. Mr. Akshay Shinde, B-Panel Counsel and Mr. Abhay Patki, Addl. Government Pleader for Respondent no.1/State in PIL(L)/2688/2021.

Mr. Ashutosh Kumbhakoni, Advocate General a/w. Mr. Akshay Shinde, B-Panel Counsel and Mr. Hemant Haryan, AGP, for Respondent no.1/State in WPL/3523/2020.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- AUGUST 30, 2022

PC :

1. Mr. Kumbhakoni, learned Advocate General for Maharashtra has placed before us an order dated 30th August 2022 issued by the Collector, Mumbai Suburban District. The translated version of the said order reads as follows:-

“Order:

Pursuant to the request made by the Mumbai Metropolitan Region Development Authority vide letter at reference No.1, this office had passed an order at reference No.2, whereby advance

possession of available land admeasuring 102 Acres out of land bearing No.275, CTS No.657A situate at Mouje Kanjur, Tq.Kurla was granted for permanent use to the Mumbai Metropolitan Region Development Authority for the purpose of Car Depot and Casting yard of Metro Line and allied metro use and for allied Vital Public Project on the prescribed terms and conditions.

In the said matter, as per the discussion held on 20/08/2022 in the War Room meeting, the Mumbai Metropolitan Region Development Authority vide letter at reference No.4 has requested to withdraw the order dated 1/10/2020 passed by this office whereby land admeasuring 102 Acres out of land bearing No.275, CTS No.657A situate at Mouje Kanjur, Tq.Kurla was granted for Metro project.

Therefore, pursuant to the request made by the Metropolitan Region Development Authority vide letter at reference No.4, the order of this office dated 1/10/2020 directing to hand over advance possession of the land admeasuring 102 Acres out of land bearing No.275, CTS No.265A situate at Mouje Kanjur, Tq.Kurla, is hereby cancelled."

2. The order dated 1st October, 2020 passed by the Collector was the subject matter of challenge in Writ Petition (L) No.5983 of 2020. However, such order now stands withdrawn in pursuance of the recent order dated 30th August 2022.

3. In view of withdrawal of the order dated 1st October 2020, nothing survives in Writ Petition (L) No.5983 of 2020 for decision. The same stands disposed of. No costs.

4. Pending interim applications are disposed of. No costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)