

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

**INTERIM APPLICATION (ST.) NO.6047 OF 2020
IN
WRIT PETITION NO.3662 OF 2019**

Ferani Hotels Pvt. Ltd. & Anr. .. Applicants

In the matter of

Ferani Hotels Pvt. Ltd. & Anr. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

Mr.Chetan Kapadia a/w Mr.Vivek A. Vashi & Ms.Alya Khan i/by
M/s.Vashi & Vashi for the applicants/petitioners.

Mr.S.B. Gore, AGP for the respondents.

Mr.Dinyar Madon, Senior Advocate a/w Mr.Rohan Kelkar i/by M/s.
Dastur Kalambi & Associates for the applicant/Intervenor in CHSW/142
of 2019.

CORAM : R.D. DHANUKA

MADHAV JAMDAR, JJ.

DATE : 7th JANUARY 2021

P.C.:-

. During the course of hearing of this interim application, Mr.Madon, learned Senior counsel for Mr.Nusli Neville Wadia, Sole Administrator of the Estate and Effects in India of late E.F. Dinshaw tenders a preliminary affidavit on behalf of the proposed intervenor. Mr.Kapadia, learned counsel for the applicants states that the applicants do not admit any of the allegations made in the said affidavit. It is made clear that if the sole administrator Mr.Nusli Neville Wadia seeks to file any application for impleadment in the writ petition, an appropriate application in that behalf shall be filed.

2. Mr.Madon states that his client has filed Chamber Summons bearing No.142 of 2019 seeking intervention in the writ petition which application is pending. If any such application for impleadment is filed, the said application also shall be heard with application for intervention on its own merit.

3. Learned AGP for the State states that pursuant to the impugned land acquisition award, authority has already recorded mutation entry in the name of Police Commissioner for whom the property in question was acquired. He further states that the entry has been also made in the 7/12 extract. Statement is accepted.

4. Mr.Kapadia, learned counsel for the applicants invited to our attention to the order dated 9th November 2020 passed by the Division Bench of this Court refusing to grant ad-interim relief at that stage. He however, led emphasis on the following observations made in the said order :-

“If the challenge to the Award succeeds, then, all consequential steps taken thereto would also automatically fail.”

5. In our view, since the mutation entry is already effected and effect is also given in 7/12 extract, no interim relief can be granted. We, however, once again make it clear that if the challenge to the Award succeeds, then, all consequential steps taken thereto would automatically fail.

6. Interim application is accordingly dismissed with above clarification. There shall be no order as to costs.

7. Mr.Kapadia, learned counsel for the petitioner agrees to examine the issue whether writ petition filed by his client impugning the land acquisition award itself is maintainable or not and would address this Court on this issue on the next date.

8. Place the writ petition along with interim application, if any, filed for impleadment and Chamber Summons No.142 of 2019 for intervention on board on 14th January 2021 for direction before the appropriate bench.

MADHAV JAMDAR, J.

R.D. DHANUKA, J.