

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7755 OF 2015

Water and Land Managing Institute
Kanchanwadi through its
Administrative Officer .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. L. Chintalwar, Advocate for the Petitioner.
Shri P. P. More, A.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.
DATE : 29TH JULY, 2015.**

PER COURT :

. Mr. Chintalwar, the learned counsel submits that, the petitioner is assailing the judgment of the Maharashtra Administrative Tribunal thereby allowing the original application filed by the respondent No. 2. According to the learned counsel, the Tribunal has wrongly considered that one months notice is not given. According to the learned counsel, the Tribunal ought to have seen that one months notice was already given. The intimation is already received by the respondent No. 2 herein. The said aspect is not considered, though finding is given in favour of the present petitioner, still notice is quashed

and set aside and there would be an impediment to take up further proceedings.

2. We have considered the judgment of the Tribunal. In para 9 of the impugned judgment, it has been observed that, "the learned counsel for the respondent No. 3 states that, the respondent is ready to issue fresh notice as per the agreement". After this judgment the present petitioner has issued fresh notice dated 04.03.2015. In a way the judgment was accepted by the petitioner by issuing fresh notice seeking eviction.

3. In case the respondent No. 2 has not vacated the premises as per the notice issued by the petitioner dated 04.03.2015, the petitioner is at liberty to take up such proceedings as is permissible in law to get the premises evicted. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]