

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO. 9376 OF 2015**

DATTATRAYA MANOHARPRASAD TRIVEDI AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr.Patil Vinod Prakash  
GP for Respondent State: Mr. D.R.Kale  
Mr. N.B.Khandare, Adv., for respondent no.5.

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CORAM : R. M. BORDE & P.R. BORA, JJ.  
Dated: September 11, 2015

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PER COURT :-

1. The petitioners seek leave to withdraw the petition with liberty to avail of remedies as are available in law.

Leave granted with liberty as prayed for.

Writ Petition stands disposed of as withdrawn.

2. The petitioners state that the residential premises belonging to them have been taken in possession by the Tehsildar under a Panchnama in execution proceedings, and he has put a lock on the respective premises, and the keys have been handed over to respondent no.5. The petitioners further state that the household articles and belongings of the petitioners, and similarly situated occupiers of residences (who are evicted), are lying in the residential houses, and those may be permitted to be taken away. The request made by the petitioners is reasonable one, and on humanitarian considerations also, the petitioners and similarly situated occupiers of residential premises, whose houses and residential premises are taken in possession, and are attached by the

Tehsildar, the keys whereof are handed over to respondent no.5, shall be permitted to take away their belongings within reasonable time frame.

3. In the facts of the case, and as has been directed in an identical matter, we deem it appropriate to direct respondent No.5 to hand over the keys of the residential premises of Petitioners and such other occupiers who may approach the Tehsildar with written request, attached in execution proceedings, to the Tehsildar to facilitate the petitioners and other occupiers, who are similarly placed, to take away their household articles and belongings lying in such residential premises.

4. Counsel appearing for respondent No.5, on instructions, states that the keys of the residential houses of the petitioners and other occupiers of residential premises, who may approach the Tehsildar, would be handed over to the Tehsildar, within a period of five days from date of tendering of such a request. The Tehsildar shall, in turn, hand over the keys to the respective petitioners, and other similarly placed occupiers, with a view to facilitate them to take away their household articles and belongings from the residential premises. The concerned petitioners and other similarly placed occupiers of the houses shall take away their household articles and belongings within a period of seven days from the date of receipt of the keys from the Tehsildar, and shall hand over the keys of the concerned residential premises back to the Tehsildar on the very next day of completion of seven days i.e. on 8th day. They shall not create any third party interest nor shall introduce any third party in possession.

5. The Tehsildar, on receiving the keys of the residential premises, shall again hand over back the keys to the

respondent no.5 within a period of three days of the date of such receipt. The petitioners and other such occupiers who are similarly placed, shall make a written request to the Tehsildar expressing their willingness to take away their belongings. They shall also simultaneously tender an undertaking to this Court that after taking away the household articles and belongings from the residential premises, they would hand over the keys made available to them, to the Tehsildar on 8th day of receipt of the keys.

Subject to tendering of such an undertaking, the aforesaid arrangement shall be made operational.

6. It is clarified that if the petitioners, or any other individuals similarly placed, do not observe the terms of the undertaking, or the conditions noted in the order, or do not hand over the keys of the residential premises to the Tehsildar after expiry of seven days from its receipt, it would be open for the Tehsildar to take coercive measures and enforce possession.

7. On approach of Petitioners or others to the alternate forum of redressal of grievance, it would be open for such alternate forum to take an appropriate decision without being prejudiced, or influenced by the arrangement which is directed to be made while disposing of the instant petition purely on humanitarian ground.

Parties to act on the authenticated copy of the order.

( P.R. BORA, J. )

( R. M. BORDE, J. )

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