

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

**WRIT PETITION NO.10809 OF 2015**

Satish s/o Tejmal Bora ... PETITIONER

**VERSUS**

The Maharashtra Industrial  
Development Corporation  
and another ... RESPONDENTS

.....  
Mrs. Anjali Dube (Bajpai), Advocate for petitioner  
Shri S.S. Dande, Advocate for respondent No.2  
.....

CORAM: SUNIL P. DESHMUKH, J.

DATED: 28th October, 2015.

**ORAL ORDER :**

1. Heard the learned counsel for the parties for quite some time.

2. It transpires that, the suit is initiated for putting restraint on the defendants, seeking injunction and mandatory

injunction, *inter alia*, from evicting the petitioner. The suit has been disposed of for the reason that the trial court considered that it has no jurisdiction. The plaint had been eventually returned.

3. The petitioner accordingly had approached the authority under the Bombay Government Premises (Eviction) Act, 1955 and had applied for interim relief. The appeal being belated, an application for condonation of delay had been moved, which was allowed. However, the application for stay has been rejected.

4. It further transpires that, during said proceedings, the petitioner has been dispossessed from the premises. In the circumstances, the writ petition is unlikely to serve the purpose with which it is filed.

5. However, the petitioner apprehends that, the premises/ property from which the petitioner has been dispossessed, is likely to be dealt with and/ or transferred to other persons/ third parties.

6. Looking at the apprehension expressed and having

regard to the other submissions, it would be open for the petitioner to make an appropriate application to the authority concerned.

7. The petition is disposed of accordingly, leaving it open to the petitioner to make appropriate application to the authority which may consider the application in accordance with law.

8. The learned counsel for the petitioner further expresses apprehension having regard to the background in which possession has been taken, it may so happen that by the time the approach is made in accordance with the aforesaid observations, the property may be disposed of. As such, *status quo* as on today in respect of the property be maintained for a period of six weeks.

(SUNIL P. DESHMUKH, J.)