

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1879 OF 2015

Ravindra Krishnarao Vashirde	..	Petitioner
VS.		
Dena Bank & Anr.	..	Respondents

WITH
WRIT PETITION NO. 1885 OF 2015

Sureshchandra Ganpat Pingle	..	Petitioner
VS.		
Dena Bank & Anr.	..	Respondents

Mr. V. Y. Sanglikar for Petitioners in both Petitions.
Mr. Chetan Shah with Ms Jyoti Vaity i/b. Mr. Rajesh Shethia for
Respondent No. 1 in both Petitions.

CORAM : M. S. SONAK, J.
DATE : 23 FEBRUARY, 2015

P.C. :-

- 1] Not on Board. Upon mentioning, taken on board.
- 2] Rule in both the petitions. With the consent of and the request of the parties, the Rule is made returnable forthwith.
- 3] By these two petitions, the petitioners challenge show cause notices issued under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 ("said Act") as also the authority of the respondent no. 2 as an Estate Officer.
- 4] In the judgment and order dated 23 February 2015 in writ petition no. 11606 of 2014 and connected matters, this Court has

restrained the respondent no. 2 from acting as an Estate Officer, on the ground that the respondent no. 2 had done some act and taken some decision in the matters concerned. Accordingly, the order made in writ petition no. 11606 of 2014 will govern the issues raised in the present petitions as well. It is however clarified that the show cause notices were not interfered with in the said petitions.

5] Accordingly, in these petitions, Rule is made absolute in terms of prayer clause (b). Further, liberty is granted to the respondent no. 1 bank to approach the appropriate government for securing appointment of any other Officer to act as an Estate Officer in the matters, as long as such Officer is not personally interested in the subject matter of eviction or has not already done some act or taken decision in the matters concerned. The said newly appointed Estate Officer, can then proceed with the matters from their present stage. The respondent no. 2 has not, as yet proceeded substantially in the matters.

6] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(M. S. SONAK, J.)