

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11352 OF 2015
WITH
CIVIL APPLICATION NO. 3070 OF 2015

Suresh S. Bhandari	..	Petitioner
VS.		
Chief Executive Officer & Anr.	..	Respondents

Mr. M. J. Patil for Petitioner.
Mr. A. R. Metkari – AGP for Respondent Nos. 1 and 2.
Mr. B. G. Tangsali for Intervenor in C.A. No. 3070 of 2015.

CORAM : M. S. SONAK, J.
DATE: 20 NOVEMBER 2015

P.C. :-

- 1] **Not on board. Upon production, taken on board.**
- 2] The challenge in this petition is to the order dated 29 October 2015 whereby the Petitioner has been declined interim relief pending appeal before the City Civil Court questioning the eviction orders made by the Estate Officer.
- 3] It is to be noted that the Petitioner had earlier instituted writ petition no. 1626 of 2013 questioning the notice dated 16 February 2013 by which the Respondent No. 1 had required the Petitioner to vacate the suit premises. This petition was dismissed by judgment and order dated 10 September 2014. In the said order, it is recorded

that the term for which the Petitioner was allotted the suit premises has already expired. Further, tenders were invited by the Respondent No. 1 and the Petitioner even participated in the tender process. The Petitioner was however unsuccessful. Despite all this, the Petitioner insists upon continuing in possession of the suit premises and is resisting eviction. No doubt, in the said order it was held that the Respondent No. 1 is at liberty to take action in accordance with law, in case, the Petitioner fails to vacate the suit premises within seven days. As the Petitioner, failed to vacate the premises within a period of seven days, from the date of judgment and order dated 10 September 2014, the Respondent No. 1 has initiated proceedings under the Bombay Government Premises Eviction Act 1955. The Estate Officer has made an eviction order. The Petitioner has instituted an appeal against the same. Therein by the impugned order, the Appeal Court has rightly observed that the contentions raised by the Petitioner stands substantially covered by the decision of this Court dated 10 September 2014 and on this ground, interim relief has been declined.

4] There is neither any perversity nor jurisdictional error in the making of the impugned order. Accordingly, this petition is dismissed. There shall be no order as to costs.

5] Since this petition is dismissed, there is no necessity to entertain civil application no. 3070 of 2015 for intervention. The same is accordingly disposed of.

(M. S. SONAK, J.)

Chandka