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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 514 OF 2016

Ms.Sharda Satishchandra Dutt .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

Ms. Nafiza Khandeparkar i/by ALMT Legal for the petitioner.

Ms. R.M.Shinde, AGP for the State.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : OCTOBER 24, 2016.**

P.C.

1. The challenge in this petition is to the order dated 28th December, 2015 issued by the Additional Collector & Competent Authority (ULC), Brihanmumbai.

2. We have perused the said order. The order is also addressed to the Petitioner. It records that if the possession of the flat in question is not handed over by 30 January 2016, proceedings will be initiated under the provisions of the Bombay Public Premises Eviction Act, 1955 (for short “the said Act of 1955).

3. Under the said Act of 1955, there is an elaborate procedure

provided for giving an opportunity of being heard before passing an order of eviction. It follows that the Petitioner will be heard in the proceedings initiated under the said Act of 1955 and therefore, it will be always open to the Petitioner to urge all the permissible contentions before the Competent Authority under the said Act of 1955. As the impugned order itself records that the Petitioner will be dispossessed after taking recourse to due process of law, it is not necessary to entertain this petition. Hence, the petition is disposed of. All contentions of the Petitioner in the petition are kept open.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)