

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 2296 OF 2016

Smt.Akshaya Ashish Kambali. ... Petitioner.
V/s.
State of Maharashtra and another. ... Respondents.

Bhushan C. Joshi for the petitioner.

A.I.Patel, AGP for the State.

CORAM : A.S. OKA AND C.V.BHADANG, JJ

DATED : 22nd February 2016.

PC. :

Not on board. Taken up on the board.

2. Perused the orders dated 28th December 2015 (Exhibit-H) and 15th January 2016 (Exhibit-K). These are not the orders of eviction. By the said orders, the petitioner has been informed that on the failure of the petitioner to surrender the possession of the flat in question, the proceedings will be taken under the Mumbai Government Premises Eviction Act, 1955 ("the said Act of 1955" for short). It is obvious that in the said proceedings, the petitioner will be given an opportunity of being heard before passing the order of dispossession/ eviction. Therefore, all the contentions raised in this petition can be raised by the petitioner when

such proceedings are initiated under the said Act of 1955. In fact, the finding of the learned Principal Judge, City Civil Court in the order passed in the appeal preferred by the petitioner is that no order of eviction has been passed under the said Act of 1955.

3. Hence, there is no reason to entertain this petition. Subject to what is observed above, the petition is disposed of.

(C.V. BHADANG, J)

(A.S.OKA, J)