

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

*CIVIL APPLICATION NO. 539 OF 2016
IN
CIVIL REVISION APPLICATION NO. 91 OF 2011*

Central Bank of India.	.. Applicant
<i>In the matter between</i>	
Mr.R.T.Mahadik	.. Petitioner
<i>Vs.</i>	
Central Bank of India & anr.	.. Respondents

*Along with
CIVIL APPLICATION NO. 541 OF 2016
IN
CIVIL REVISION APPLICATION NO. 92 OF 2011*

Central Bank of India.	.. Applicant
<i>In the matter between</i>	
Mr.Pankaj R.Mistry	.. Petitioner
<i>Vs.</i>	
Central Bank of India & anr.	.. Respondents

*Along with
CIVIL APPLICATION NO. 542 OF 2016
IN
CIVIL REVISION APPLICATION NO. 89 OF 2011*

Central Bank of India.	.. Applicant
<i>In the matter between</i>	
Mr.A.B.More	.. Petitioner
<i>Vs.</i>	
Central Bank of India & anr.	.. Respondents

Along with
CIVIL APPLICATION NO. 543 OF 2016
IN
CIVIL REVISION APPLICATION NO. 95 OF 2011

Central Bank of India.	.. Applicant
<i>In the matter between</i>	
Y.V.Kambli	.. Petitioner
<i>Vs.</i>	
Central Bank of India & anr.	.. Respondents

Along with
CIVIL APPLICATION NO. 544 OF 2016
IN
CIVIL REVISION APPLICATION NO. 82 OF 2011

Central Bank of India.	.. Applicant
<i>In the matter between</i>	
Ashok Mahadev Morye	.. Petitioner
<i>Vs.</i>	
Central Bank of India & anr.	.. Respondents

Mr.P.S.Dani – Senior Advocate a/w Mr.T.N.Tripathi and Ms.Sapna Rachure i/b T.N.Tripathi & Co., for the Applicant in all Civil Applications.

Mr.Archit Jaykar a/w Ms Saurabhi Agarwal i/b Jaykar & Partners, for Respondents in all Applications.

CORAM : N.M.Jamdar, J.
Friday, 26 August 2016.

P.C. :

These Civil Applications have been moved by the Applicant – Central Bank of India seeking possession of the premises

in possession of the Respondents which are located in Building No.21, Samta Nagar Kandivali (East), Mumbai.

2. The Respondents in all these matters were allotted certain flats on temporary basis at the discretion of the Applicant-Bank. The Applicant sought to redevelop the plot by demolishing the buildings. In the year 2007, the allotments given to the Respondents were withdrawn and they were called upon to vacate the premises under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The proceedings were initiated under the Act by the Applicant against the Respondents. Notices were issued by the Estate Officer and the order of eviction was passed in the year 2008. This order was challenged by the Respondents in the City Civil Court. Thereafter some of the employees filed Writ Petitions against the Respondents which were dismissed. The Civil Revision filed by the Respondents were also dismissed. In the meanwhile employees of the Applicant-Bank in similar situation challenged the order of dismissal in this Court by way of Revision which was disposed of. Against the order of dismissal, Special Leave to Appeal was filed and the Apex Court passed orders regarding interim arrangement. The Civil Revision Applications came up on board in March 2011 wherein the view of the statement made by the Manager of the Applicant-Bank, subject to parties giving undertaking that they will be bound by the order passed by the Apex Court, time was

granted. Thereafter the Apex Court in February 2016 dismissed the Special Leave Petition and directed the parties to vacate their respective premises on or before 31 March 2016. The relevant portion of the order of the Apex Court is thus -

23. Since the employees have been residing in the flats for a considerable period of time, we grant them time to vacate the premises allotted to them on or before 31st March, 2016. We expect the employees to peacefully vacate the allotted premises and if there is some difficulty in this regard, the Bank is at liberty to approach the High Court for the implementation of its order of eviction'.

3. Heard learned counsel for the parties. There is no dispute that the Respondents are bound by the above quoted direction of the Apex Court which gives them time to vacate on or before 31 March 2016. The learned counsel for the Respondents however urges that this Court should exercise its discretion and gave time to the Respondents so that they can approach the Apex Court again for reliefs. This request is opposed by the learned counsel for the Applicant-Bank.

4. The Apex Court in the above directions has clearly granted time to vacate till 31 March 2016. Admittedly, this period has not been extended by the Apex Court. Therefore it is not open for me to extend the period. The Applicants have moved this Court pursuant to the liberty granted by the Apex Court for

implementation of the order of the Apex Court. Though in the Application the relief that is sought is of appointment of Receiver and handing over of possession, the matters arise from the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971, and the Rules framed therein itself provide the manner in which possession can be taken. Rule 7 also empowers the Estate Officer to seek police assistance for taking possession. Therefore, since the proceedings under the Act now stand concluded and that Applicants have approached this Court for implementation of the order, which confirms the order passed by the Estate Officer, the Estate Officer can be directed to take possession of the concerned suit flats involved in this application by seeking police assistance, if necessary. Since some time will be taken by the Estate Officer in contacting police authorities and arranging the process of eviction, it is directed that the Estate Officer will take possession of the suit premises on 3 September 2016. The Respondents are put to notice that any resistance on their part or at their behalf will be viewed seriously and will amount to Contempt of Court. The Civil Applications are disposed of as under -

(a) The concerned Estate Officer is directed to take possession of the suit flats in question in these applications on 3 September 2016.

(b) The in-charge Samta Nagar, Kandivli-East, Mumbai police station, is directed to deploy sufficient police Force on that date to aid the Estate Officer to take possession of the suit flats.

5. All parties to act on an authenticated copy of this order. Registry shall communicate the order to the Estate Officer as well as in-charge Samta Nagar, Police station forthwith. Civil Applications stand disposed of.

(N.M.Jamdar, J.)