

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1032 OF 2016

Shri Tushar Eknath Gaikwad

.... Petitioner

versus

Additoinal Collector & Competent
Authority & Ors.

... Respondents

Mr.Ashutosh Kukarni with Akshay Shinde, advocate for the
Petitioner.

Ms.Geeta Shastri, AGP for Respondent Nos.1 to 3.

CORAM : A.S.OKA & A.M.BADAR, JJ.

DATE : 25th NOVEMBER, 2016.

P.C. :

1. Heard learned counsel for the petitioner. The first prayer is for quashing the impugned communication dated 18/12/2015 issued by the State Government to the Additional Collector and Competent Authority of various Urban Agglomerations. The said letter refers to the recommendations of the committee headed by a retired Judge of this Court, Honourable Shri Justice J.A. Patil. The said letter records the action to be initiated in terms of the recommendations. The second challenge is to the impugned order dated 28/12/2015 (Ex.F to the petition). The said order records that on the failure of the petitioner to vacate

the flat in question, the proceedings under The Bombay Government Premises Eviction Act, 1955, will be initiated for his eviction.

2. Thus, the impugned order dated 28/12/2015 itself records that due process of law will be followed before any effort is made to evict the petitioner. The contentions which are raised by the petitioner in this petition can be always raised by the petitioner before the Estate Officer. As regards the other impugned communication dated 18/12/2015, notwithstanding the recommendations of the committee, the action will have to be taken in accordance with law.

3. In such circumstances, it is not necessary to entertain this petition under Article 226 of the Constitution of India.

4. The petition is accordingly disposed of. We make it clear that the petitioner can be evicted only after following the due process of law.

5. All other contentions of petitioner are kept open.

(A.M. BADAR, J.)

(A.S. OKA, J.)