

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

WRIT PETITION [LD.] NO. 1889 OF 2016

Akshay Vitthal Shetty.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Chirag Mody, Sunil Gangan, Mr. Jayant Mestry i/b RMG Law Associates for the Petitioner.

Mr. B. B. Sharma, AGP for the Respondent – State.

Smt. Pradnya Walke, Executive Engineer, Presidency Division, PWD, Mumbai is present.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 22, 2016.**

P. C. :

1. On 8th July 2016, the Competent Authority under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 issued notice to the Petitioner to show cause why he should not be evicted from the premises mentioned in the schedule. The date of hearing on the show cause notice given was 19th July 2016. It is the grievance of the Petitioner that on the same day on which the notice was given, the premises in question, i.e., Tea Stall / Refreshment Stall was sealed by Respondent No.2. It is the contention of the Petitioner that sealing was done without giving any hearing and unless he has been evicted by following the due process of law, the premises could not have been sealed.

2. Learned AGP, having taken instructions from

Respondent No. 2, who is present in the Court makes a statement that subject premises which are sealed, will be de-sealed during the course of the day and thereafter the Petitioner will be heard in pursuance of the notice dated 8th July 2016 and thereafter appropriate orders will be passed. Statement is accepted.

3. In view of the statement, grievance of the Petitioner at this stage no more survives. Hence, writ petition is disposed of.

4. Needless to mention that this Court has not gone into merits of the case and the Competent Authority shall take the decision in accordance with law only after hearing the Petitioner. All points and contentions of the respective parties are kept open.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]