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

WRIT PETITION NO. 2180 OF 2014

The Oriental Insurance Company Limited } Petitioner
versus
Union of India and Anr. } Respondents

Mr. A. S. Khandeparkar with Mr. Warekar i/b. M/s. Warekar and Warekar for the petitioner.

Mr. Mohamedali M. Chunawala with Mr.Dhanesh Shah for respondent nos. 1 and 2.

Mr. R. P. Singh – Director, Directorate of Cotton Development, Government of India and Ms. Rama Kulkarni – Pay and Accounts Officer, Ministry of Agriculture, Mumbai present.

CORAM :- S. C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATED :- JULY 22, 2016

P.C. :-

The petitioner has challenged in this writ petition the continued requisition of the premises, namely, 2nd floor, Indian Mercantile Chambers, R. Kamani Marg, Ballard Estate, Mumbai 400 001.

2) On the earlier occasion, after hearing all parties, we had passed an order directing filing of an affidavit by the

respondents. The affidavit was to this effect, namely, within how much time the articles and belongings stated to be lying in this premises would be removed and the keys of the premises handed over to the petitioner. In other words it was directed to state on affidavit as to when vacant and peaceful possession of the premises would be handed over to the petitioner. Yesterday, when the matter was called out, we were taken through an affidavit, which is filed by Mr. R. P. Singh, who is working as the Director in the office of respondent no. 2. He stated on oath that the Directorate of Cotton Development, which is presently in possession of this premises, would require it for some time. Its various difficulties were pointed out in the affidavit as well as during the course of oral arguments. The statement on oath is that the second respondent is in the process of surrendering the premises not later than 31st March, 2017. We were completely dissatisfied with such affidavit and when the second respondent has no right, title or interest in the premises nor can hold on to the same in such manner. The position was that substantial part of the premises was vacant and not in use. Some articles and belongings of the second respondent were lying and in the portion of the premises. That is why we called upon the advocate for the respondents to take instructions and make appropriate statement so that this court is not constrained to render police

assistance to the petitioner to immediately throw out the second respondent from the premises.

3) At the request of the learned advocate appearing for the respondents and purely to accommodate him, we placed the matter today. On instructions, it is stated that the premises to the extent, namely, admeasuring 9695 square feet is in vacant state, not in use and therefore, can be immediately handed over to the petitioner by the second respondent. We direct handing over of the same on or before 27th July, 2016.

4) As far as the balance portion of 1300 square feet is concerned, possession of the said premises shall be handed over on or before 5th August, 2016 in a vacant state.

5) We expect the second respondent to handover the premises peacefully and without any resistance. However, if these orders are not complied with and statements therein are not abided by, then, in addition to proceedings under the Contempt of Courts Act, 1971, we direct that the nearest police station shall render police assistance to the petitioner so as to obtain vacant and peaceful possession of the premises. In such an event, all the articles and belongings shall be inventorised and kept separately by the petitioner and all this be done in the

presence of the second respondent's representative. We hope and trust that such an occasion will not arise and this court will not be compelled to perform an unpleasant task.

6) We remind all public bodies and Central Government officials that just as they expect from members of public to vacate public premises in time, equally, they must not hold on to a private property endlessly. If their public affairs are not being conducted therefrom nor are the private premises utilised, then, they have no business to spent public funds and create such an occasion that such funds are wasted in paying rent and tax of private premises, which are located in prime locality in Mumbai. These are commercial premises. In such circumstances, hereafter, every single Government body or undertaking and if not requiring private properties must surrender them and by drawing up a plan. We say nothing more.

7) With the aforesaid directions, the writ petition is disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)