

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 3032 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. J. S. Kini i/b Suresh Dubey for the Petitioner.
Mr. V. P. Sawant for the Respondent Nos. 1 to 3.
Mr. Pravin Samdhani, Senior Advocate a/w Bharat Gala i/b B.R. Zaveri for Respondent No. 4.
Mr. Rakesh Dhanavate, Deputy Engineer, MBR & RB present.

CORAM : K. K. TATED, J.

DATED : 22/11/2016

PC.:

. Heard learned Counsel for the parties.

2 By this Petition under Article 226 of the Constitution of India, petitioner is challenging the notice issued by office of Executive Engineer, F/N Div. M.B.R.& R Board, Dadar(E), Mumbai – 400 014 calling upon the petitioner why action should not be taken against him under Section 95(A) of the MHADA Act, 1975 for taking vacant and peaceful possession of the premises which is in their possession.

3 The learned counsel for the petitioner submits that they already filed their reply to the notice issued

by office of the Executive Engineer on 07.11.2016. He submits that petitioner apprehension that the Respondent Authority without passing any final order may evict them. Hence, they preferred the present Writ Petition.

4 The learned counsel for the Respondent Nos. 1 to 3 after taking instructions from his officer, made a statement that the procedure for eviction is that, once the notice is issued and reply is filed by the occupant, they are passing the final order. Thereafter, if that order goes against the occupant, they are issuing 48 hours notice calling upon the occupant to vacate and handover the peaceful possession of the tenement for redevelopment.

5 Considering the submissions made by the learned counsel for the Respondent Nos. 1 to 3 and the procedure which they are adopting for evicting the occupant, I do not find any reason to pass any order in the matter at present, yet the final order is not passed by the Authority.

6 At this stage, the learned counsel for the petitioner submits that in view of the statement made by the learned counsel for the Respondent Nos. 1 to 3 and the procedure which they are adopting for eviction, he may be allowed to withdraw the present Writ Petition. To that effect, he has given in writing on Farad. Same is accepted

and marked 'X' for its identification.

7 Writ Petition stands disposed of as withdrawn,
no order as to costs.

(K.K.TATED, J.)