

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.A.No.32 OF 2016

PC: *(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)*

This writ appeal is directed against the common order dated 30.11.2015 passed in W.P.Nos.2061 and 29159 of 2015, whereby the writ petition filed by the appellant has been dismissed.

The only contention urged on behalf of the appellant is that the respondents are taking action of eviction without following the due process of law. He submits that no notice was issued to the appellant. The very same contention was urged before learned Single Judge and it was considered and rejected with the following observations:

“No doubt, the petitioners have raised the plea of non-issue of notices. However, in the counter affidavit, a specific assertion is made that on 27.12.2011 notices were issued by respondent No.2 and that they were received. The absence of reply affidavit denying this specific averment, convinces me to accept this statement in the counter affidavit. Further, the photographs submitted by the learned Standing Counsel for respondent No.2 - Municipality shows that the building looks very old and the conditions are appalling, to say the least. On looking at these photographs, I feel that the building and the surroundings are not fit for human movements leave alone carrying on business. In these facts and circumstances of the case, I do not find any reason to prevent the respondents from dismantling the building after evicting the petitioners, and constructing a new shopping complex. Since the petitioners are in occupation of the shopping complex, they are granted three months time to vacate the shops in their occupation and handover the same to respondent No.2”.

We do not find any reason to interfere with the observations made by the learned Single Judge. That apart, the shopping complex in which the appellant is presently having shop is in a dilapidated condition and unfit for occupation. In this view of the matter, we do not find any merit in

the appeal.

Appeal is dismissed.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT, J

Date: 21.01.2016

Stp/Lrkm

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.21794 OF 2015

ORDER: *(Per the Hon'ble Sri Justice S. V. Bhatt)*

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J

Date: .10.2015

Stp/Lrkm