

THE HONOURABLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.5089 and 5101 of 2016

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COMMON ORDER

Heard learned counsel for the petitioners and Sri P. Bhaskar, learned Standing Counsel for the respondents.

2. The petitioners in both the writ petitions have suffered from an order under Section 5(2) of Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The said orders are questioned in these writ petitions. The writ petitions are primarily on the ground that the petitioners' explanations have not been considered by the third respondent while passing the impugned orders.

3. It is, however, to be noted that under the aforesaid Act, the orders passed by the third respondent can be specifically questioned in an appeal before a designated Court. As the remedy of appeal being available to the petitioners, which is quite efficacious, before the Presiding Officer of the designated Court, there is no reason to entertain the writ petition. Hence, with liberty to the petitioners to avail such remedy and seek appropriate interim orders from the said Court, the Writ Petitions are disposed of. Till the petitioners avail such remedy and seek appropriate interim protection, the impugned orders shall not be executed for a period of two weeks. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

VILAS V. AFZULPURKAR, J

17th February, 2016

sj

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