

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION STAMP NO.35767 OF 2016
ALONGWITH
CIVIL APPLICATION STAMP NO.96 OF 2017**

M/s. Aerospace Technical Services

..Petitioner

Versus

Airport Authority of India

..Respondent

Ms. Purvi Shah a/w Mr. Ashok Yadav for the Petitioner.

Ms. Kavita Anchan i/by M/s. M. V. Kini & Co., for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 5th JANUARY, 2017

P.C.

1 Not on board. Mentioned for urgent reliefs.

2 The order dated 30.11.2016 passed by the Estate Officer of the Respondent, by which order, the Petitioner is directed to be evicted from the premises in question is taken exception to by way of the above Petition. The Learned Counsel appearing on behalf of the Respondent raises a preliminary objection on the ground that an Appeal under Section 28-K of the Airports Authority of India Act, 1994, would lie before the Tribunal constituted under the said Act. In view of the said preliminary objection and since an alternate efficacious remedy is available to the Petitioner, it is not necessary for this Court to entertain the above Petition.

2 The Learned Counsel appearing on behalf of the Respondent

states that possession of the premises has been obtained by the Respondent on 26.12.2016.

3 Upon this, the Learned Counsel for the Petitioner states that the possession was taken after the Petitioner had served a notice upon the Respondent that the above Petition would be moved before the Vacation Judge on 26.12.2016 itself.

4 It seems that before the Vacation Judge the Petitioners had also made a statement that they would adopt appropriate proceedings in respect of the said order dated 30.11.2016. In the light of the aforesaid facts, the Respondent is directed to maintain status-quo as on date, upto 16.01.2017. This would mean that the Respondent would not deal with the premises in question in any manner whatsoever till 16.01.2017. The grant of the order of status-quo by this Court should not be construed as any expression of opinion on the merits of the matter. The Tribunal may consider the Appeal filed by the Petitioner on its own merits and in accordance with law. The above Writ Petition is accordingly disposed of.

5 In view of the disposal of the Writ Petition, the Civil Application does not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]