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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1290 OF 2014

Paraplegic Foundation and Anr. ...Petitioners
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.Rajesh P. Behere and Mr.Rahul Singh for the
Petitioners
Mr.Manish Pabale, AGP for the respondent No.1
Mr.S.S.Pakale a/w Mr.Pradeep H. Patil for respondent
Nos.2 and 3.

CORAM : A.S.OKA, &
 SMT.VIBHA KANKANWADI, JJ.
DATE : JULY 13, 2017

P.C.:

1 Heard the learned counsel for the petitioners
and the learned counsel for the second and third
respondents.

2 It is not in dispute that the first petitioner
is in possession of the premises subject matter of
this petition. As it appears from the name, the
first petitioner is working for the benefit of the
persons with disabilities. Merely by stating that
the possession of the petitioners is unauthorised,
the petitioners cannot be evicted, unless due
process of law in accordance with section 105-B of
the Mumbai Municipal Corporation Act,1888 is
followed.

3 Therefore, we need not keep the petition
pending and we dispose of the same by passing the
following order:

- (I) We restrain the second and third
 respondents from evicting the petitioners only
 on the basis of the notice dated 6th January
 2014;
- (II) We make it clear that the petitioners
 cannot be evicted without following due process
 of law in accordance with section 105-B of the
 said Act of 1888. Needless to add that the
 Petitioner will have to be heard in the matter;
- (III) Writ petition is disposed of on above
 terms;
- (IV) All contentions on merits are kept open.

(VIBHA KANKANWADI, J.)

(A.S.OKA, J.)