

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.5019 OF 2017
WITH
WRIT PETITION NO.5020 OF 2017
WITH
WRIT PETITION NO.5021 OF 2017
WITH
WRIT PETITION NO.5022 OF 2017
WITH
WRIT PETITION NO.5023 OF 2017
WITH
WRIT PETITION NO.5024 OF 2017
WITH
WRIT PETITION NO.5025 OF 2017
WITH
WRIT PETITION (ST.) NO.11455 OF 2017**

Anwar Abdul Rehman Farid and Others ...Petitioners

vs.

The State of Maharashtra and Others ...Respondents

Mr. S. Phanse i/b. Mr. A.A. Maniyar, for the Petitioners.

Mr. Huzefa Khokhawala a/w. Ms. Janaki Galde i/b. M/s. Nankani and Associates, for Respondent Nos. 2 to 4.

Mr. A.P. Vanarase, AGP for the Respondent Nos. 1 and 7.

Mr. A.S. Rao, for the Respondent Nos. 5 and 6.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : AUGUST 02, 2017

P.C.:

. Not on board. Upon mentioning taken on board.

2. The Petitioners have filed these Petitions challenging the action taken by the Tahsildar, Kalyan.

3. We find that the impugned actions, which have been taken by the Tahsildar, Kalyan asking the Petitioners to vacate the premises in question, have been taken without issuance of any show cause notice and without affording any opportunity of being heard to the Petitioners. It appears that the Tahsildar has given extremely short notice of about five hours to the Petitioners to vacate the premises asking the Petitioners to immediately vacate the premises.

4. Keeping in view the aforesaid facts, we are of the view that these Petitions deserves to be disposed of by directing the Tahsildar, Kalyan to pass appropriate orders after considering the reply as may be filed by the Petitioners, treating the impugned notices as show cause notices. The reply, if not filed by the Petitioners, be now filed within four weeks from today along with the supporting documents in regard to their contentions. On receipt of the said reply, the Tahsildar, as the case may be, will give an opportunity of personal hearing to the Petitioners and then pass a reasoned order uninfluenced by the earlier notices of eviction. The Petitioners to submit the additional reply/representation along with supporting documents before the authority concerned, within one month from today. The Petitioners, as also the representative of

the 2nd Respondent Maharashtra Maritime Board, to appear before the said authority on 17th September, 2017. On that date, or immediately thereafter, the matters be heard by the said authority and be decided within eight weeks from the date of hearing. Till the matters are decided by the authority as aforesaid, the status quo as it exists today shall be maintained by the parties.

5. With the aforesaid directions, the Writ Petitions are disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)