

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5382 OF 2017**

Milind Ashok Sawant

..Petitioner

Vs.

The State of Maharashtra & Ors.

..Respondents

Mr. Ghanshyam Upadhyay with Mr. Kamlesh Mishra i/b. Law Juris for
Petitioner.

Mrs. M. S. Bane – 'B' Panel Counsel for Respondent No. 1.

**CORAM : S. C. DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 3RD MAY, 2017

P.C. :

1] This petition was moved in the morning session by Mr. Upadhyay. He invited our attention to the communication, copy of which is at page 25 of the paper book and submitted that on 3rd May 2017 i.e. today morning at 11.30 a.m. Kalwa Police Station Officials / Policemen would visit the premises, viz. Flat No. 305, 3rd floor, Shree Swami Disha Apartment, Surya Nagar, Vithwa, Kalwa, Thane, and take forcible possession thereof.

2] When he mentioned this matter in the morning session, he stated on instructions that the policemen and the staff of the respondent no. 3 have still not reached the site.

3] We placed this matter in the afternoon session post recess when again Mr. Upadhyay confirms this position.

4] Having heard him at some length, we are satisfied that urgency is made out. Let notice be issued to the respondent no. 3, returnable on 16th June 2017.

5] We grant time to the petitioner to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs) on or before 15th June 2017 and if the amount is deposited and proof is produced, the writ petition shall be listed for admission. If the amount is not deposited, as directed by us, writ petition to then stand dismissed without further reference to the Court.

6] If the amount is deposited it shall be without prejudice to the rights and contentions of the petitioner in this petition. Till 19th June 2017 the order passed by the Collector and District Magistrate, Thane dated 8th December 2016, copy of which is at Annexure 'D' to the petition, shall not be implemented and enforced. However, we direct that the petitioner before us shall not induct any third party in the premises nor transfer or alienate it in any manner until further orders in this petition. We are informed that besides the petitioner and his family members none else is residing in the premises which are residential.

(PRAKASH D. NAIK, J.)

(S. C. DHARMADHIKARI, J.)