

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.123 OF 2017
WITH
NOTICE OF MOTION NO.65 OF 2017

Mr.Galaxy Aviation Pvt.Ltd. .. Petitioner

vs.

State of Maharashtra & Ors. .. Respondents

Mr.Chirag Mody a/w Mr.Tejas Gokhale i/b M/s.Ashok Purohit and Co.
for the petitioner

Mr.Kedar Dighe, A.G.P for the State

Mr.Deepak Narayan Jadhav, Tahsildar, Labour Dues Recovery, Mumbai
City District

Mr.Sonu Tandon for respondent no.4

Mr.Anil V. Anturkar, Senior Advocate a/w Mr.Prathamesh Bhargude i/b
Mr.Nilesh Y. Ukey for the intervenor in Notice of Motion (L) No.65 of
2017

CORAM : K. K. TATED, J.
DATE : FEBRUARY 1, 2017

PC.:

1 Heard the learned counsel for the parties.

2 The learned A.G.P. appearing on behalf of the respondent State makes a statement that as per order dated 18.1.2017 passed by this court, they have already de-sealed the suit property which is in possession of the petitioner. He further makes a statement after taking

instruction from his officer, Mr. Deepak Narayan Jadhav, Tahsildar, Labour Dues Recovery, Mumbai City District who is present in court, that they will not evict and or seal the suit property without following due process of law. To that effect, they have given in writing on Farad. Same is taken on record and marked 'X' for identification.

3 It is to be noted that in the present proceedings, the Tahsildar issued notice of demand to a defaulter under section 267 of the Maharashtra Land Revenue Code, 1966 for recovery of sum of Rs.4,45,14,633/- towards the worker's dues as per the order dated 19.8.2016 passed by Industrial Court, Mumbai in Complaint (ULP) No.196 of 2016 and Recovery Certificate dated 23.9.2016.

4 It is the case of the petitioner that they are in possession of the suit premises as a tenant. In support of that, petitioner placed on record tenancy receipts dated 2.1.2017 Exhibit-'A' to the petition.

5 The learned counsel for the petitioner already made a statement before this court that they will not create any third party right, title and interest in respect of the suit property. That statement was recorded by this court in order dated 18.1.2017. Today also the learned counsel for the petitioner submits that they are in possession of the suit premises and they will not create any third party right without leave from the court.

6 Statement is accepted.

7 Considering the submission made by the learned A.G.P. that they will follow due process of law for evicting or sealing the petitioner's

property, following order is passed:

- a) Respondents are restrained from dispossessing the petitioner from the suit property without following due process of law.
- b) Writ Petition stands disposed of accordingly.

IN

NOTICE OF MOTION NO.65 OF 2017

8 At this stage, the learned Senior Counsel Mr.Anturkar submits that they preferred Notice of Motion No.65 of 2017 for intervention in the present Writ Petition with following prayers:

“A) That this Hon'ble Court may be pleased to allow the Applicants to intervene in this Writ Petition and allow the Applicants to participate in Writ Petition.

B) That this Hon'ble Court after allowing the Applicants to intervene till the Applicants are heard, may be pleased not to grant any further interim relief in favour of the Petitioners.

C) Ad interim relief in terms of prayer clause (B) be awarded in favour of the Applicants herein.

D) That such other orders as justice and convenience may demand from time to time be passed in favour of the applicant herein by this Hon'ble Court.”

9 As the Writ Petition itself is disposed of by restraining the respondent State from evicting the petitioner without following due

process of law, nothing survives in the present Notice of Motion. All contention of the applicant are kept open. They can move before the appropriate authority for their grievance.

10 Notice of Motion stands disposed of accordingly as infructuous.

JUDGE