

VPH

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

WRIT PETITION (L) No. 2565 OF 2017

Bholenath Raghuvir Kahar ... Petitioner
Vs.
State of Maharashtra & Anr. ... Respondents

Mr. Indu Prakash Tripathi i/b C. K. Tripathi, for the Petitioner.

Mrs. P. H. Kantharia, Govt. Pleader a/w Deepali Patankar, AGP for the Respondents.

CORAM : SHANTANU S. KEMKAR &
Smt. ANUJA PRABHUDESAI, JJ.

DATE : SEPTEMBER 15, 2017

PC :

1. Upon praecipe, matter is listed today on the production board.
2. By a public notice dated 7.9.2017 (Exhibit A) it has been observed and informed to the Petitioner that he is occupying the premises in question unauthorisedly and that he has made encroachment on it, and as such either he should remove it himself or submit the evidence in regard to his valid possession on the said premises, failing which an appropriate action for his eviction will be

taken, and the structure will be removed.

3. According to the Petitioner, in pursuance to the said public notice, the Petitioner has submitted his reply alongwith the relevant documents. However, the same has not been considered, and no decision has been taken as yet.

4. Keeping in view the aforesaid, we dispose of the petition by directing Respondent No. 2 to consider and take an appropriate decision on the said reply (Exhibit F) and the documents submitted by the Petitioner alongwith the same. The Petitioner is at liberty to submit further documents in support of his claim within three days from today.

5. The decision on the Petitioner's reply be taken by Respondent No. 2 in accordance with law as expeditiously as possible, preferably within one month from the date of receipt of authenticated copy of this order.

6. The Petitioner to appear before Respondent No. 2 on 19.9.2017 at 3.00 p. m.

7. Till the decision is taken on Petitioner's reply, no coercive

steps shall be taken against him in pursuance of the impugned public notice.

8. With these directions, writ petition is disposed of.

Sd/-

Sd/-

[Smt. ANUJA PRABHUDESAI, J.] [SHANTANU S. KEMKAR, J.]

Vinayak Halemath