

psv

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

WRIT PETITION (L.) NO.3077 OF 2017

Shabbir Feroz Arsiwala & Ors.

..Petitioners

Vs.

Union of India & Anr.

..Respondents

Mr.Mayur Khandeparkar with Huzefa Nasikwala and Mr.Raman
Misra i/b. Nasikwala Law Office for Petitioners.

Mr.T.J. Pandian for Respondents.

**CORAM : SHANTANU S. KEMKAR AND
G.S. KULKARNI, JJ.**

DATE : 29th NOVEMBER 2017

P.C.:

During the course of hearing, the learned Counsel for the respondents submits that the respondents are intending to issue notice as provided under Section 4(2)(b) read with Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 to the petitioner No.1 Shabbir Feroz Arsiwala who represents all the other petitioners i.e. the petitioner Nos.2 to 19.

2. The learned Counsel for the petitioners stated that the petitioner No.1 if served with the said notice, that will be treated as proper service of notice to all the petitioners who claim to be the legal heirs of the assignee of the lease and no individual notice will

be required to be served on Petitioner Nos.2 to 19. We record this statement.

3. We further record that the averments made in the petition about the rights claimed by the petitioners are not admitted by the respondents and the notice will be issued only in view of the provisions contained in the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

4. The learned Counsel for the respondents submits that the proceedings which have been initiated against the occupants of the building in question will be taken along with the proceedings which will be initiated by issuing notice to the petitioners.

5. Needless to say that we have not expressed any opinion on the merits of the claims of either of the parties.

6. All contentions of the parties are kept open to agitate before the appropriate forum.

7. In view of the aforesaid, in our considered view, nothing survives in this petition. The Writ Petition is disposed of as agreed.

[G.S. KULKARNI, J.]

[SHANTANU S. KEMKAR, J.]