

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO.554 OF 2010***

Suhas M. Rakwi .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

***ALONG WITH  
WRIT PETITION NO.354 OF 2010***

Parshuram Kashinath Patil .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

***ALONG WITH  
WRIT PETITION NO.355 OF 2010***

Hemant Parshuram Thakur .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

***ALONG WITH  
WRIT PETITION NO.356 OF 2010***

Vivek Shashikant Sawant .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

***ALONG WITH  
WRIT PETITION NO.408 OF 2010***

Ashok R. Mehta .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

***ALONG WITH  
WRIT PETITION NO.413 OF 2010***

Narayan R. Mehta .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

***ALONG WITH  
WRIT PETITION NO.414 OF 2010***

Haren R. Mehta .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

***ALONG WITH  
WRIT PETITION NO.427 OF 2010***

Manoj Jasawanlal Kapadia .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

***ALONG WITH  
WRIT PETITION NO.428 OF 2010***

Rajaram Shankar Patil .. Petitioner  
Vs.  
The Union of India Acting through  
The Western Railway Administration & Anr. .. Respondents

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Mr.Tushar Sonawane for the petitioner in all petitions.  
Mr.Suresh Kumar for the respondent no.1 Union of India in all petitions.  
Mr.Rupesh Geete i/by M/s.Legasis Partners for the respondent no.2 in  
all petitions.

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***CORAM : R.D. DHANUKA, J.  
DATE : 10<sup>th</sup> July 2018***

***P.C.:***

. Learned counsel appearing for the parties state that the order dated 5<sup>th</sup> October 2009 passed by the Estate Officer and the Divisional Engineer (Estate) Mumbai Central, Western Railway be set aside and the matter be remanded back to the Estate Officer for hearing afresh and final disposal without being influenced by the findings rendered in the impugned order and the conclusions drawn.

2. The Estate Officer shall also decide the issue of jurisdiction as raised by the petitioner. It is submitted by the learned counsel that in view of the submission made by the learned counsel, this Court did not record any reasons. Statement is accepted.

3. The impugned order dated 5<sup>th</sup> October 2009 is accordingly set aside. The proceedings under Section 5A of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 are restored to file before the learned Estate Officer in which the impugned order came to be passed, for hearing afresh and for deciding the matter on its own merit without being influenced by the findings rendered in the impugned order dated 5<sup>th</sup> October 2009 and the conclusions drawn, after hearing both the parties.

4. The learned Estate Officer shall decide the matter expeditiously. It is made clear that both the parties are permitted to lead further evidence if they so desire before the learned Estate Officer and shall not seek any unnecessary adjournment.

5. The interim order passed by this Court on 3<sup>rd</sup> August 2010 to continue till disposal of the said matter and for a period of two weeks

from the date of communication of the order to the petitioner if the same is adverse against the petitioner.

6. All the writ petitions are disposed of in aforesaid terms. No order as to costs. Parties to act on the authenticated copy of this order.

***R.D. DHANUKA, J.***