

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 54 OF 2017

Keshav Shriyan

..... Petitioner

VERSUS

Industrial Development Bank Ltd. & Anr.

..... Respondents

Ms.Karuna Yadav, i/b. Mr.N.M.Ganguli for the Petitioner.

Mr.S.K.Talsania, Senior Advocate, i/b. Mr.Girinkumar N.Pandit for the Respondent nos.1 and 2.

CORAM : R.D. DHANUKA, J.

DATE : 17th SEPTEMBER, 2018

P.C.

Learned counsel appearing for the petitioner states that the petitioner has taken away the papers four weeks back and has not instructed the petitioner to appear.

2. By this writ petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 27th February, 2015 passed by the Bombay City Civil Court in the Misc. Appeal No. 70 of 2011 annexed at Ex.A to the petition and eviction order dated 15th April, 2011 directing the petitioner to vacate the flat bearing no.219/5863, IDBI Staff Quarters, R.N.Narkar Marg, Gatkopar (East) Mumbai – 400 075 under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

3. I have perused the papers and proceedings and the two impugned orders i.e. the order passed by the Estate Officer and also by

the City Civil Court. The petitioner was admittedly an employee of the respondent no.1 whose service were terminated sometime in the year 2004. The Estate officer thereafter passed an order after giving full opportunity to the petitioner and directed the petitioner to handover the vacant and peaceful possession of the flat to the respondent no.1. The petitioner preferred an appeal before the Principal Judge of the Bombay City Civil Court under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The Bombay City Civil Court passed a detailed order and judgment after giving opportunity to the petitioner and has rendered various findings of fact.

4. A perusal of the Roznama of the Bombay City Civil Court clearly indicates that the petitioner has made every possible efforts to delay the proceedings before the Estate Officer and also the proceedings filed by him before the Bombay City Civil Court. The services of the petitioner are already terminated as far back as in the year 2004 and had no right to continue to occupy the premises of the respondent no.1. The premises of the respondent no.1 are required for accommodating some other staff members.

5. The findings rendered by the Estate Officer as well as by the Bombay City Civil Court are concurrent findings and being not perverse, no interference is permissible under Article 227 of the Constitution of India.

6. Insofar as the letter of termination issued against the petitioner by the respondent no.1 is concerned, the petitioner had challenged the

said termination before the appropriate court which proceedings are also dismissed.

7. Be at as it may, the petitioner has even otherwise attained the age of superannuation as far back as in the month of June 2018. The petitioner thus cannot be allowed to continue to occupy the said service quarter allowed to the petitioner by the respondents in any circumstances.

8. The writ petition is thoroughly misconceived and is accordingly dismissed. There shall be no order as to costs.

9. The parties to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]