

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 12685 of 2017

Shiv Kumar K. Bharadwaj	..Petitioner.
Vs	
The Union of India & Ors	..Respondents.

Mr. Om Prakash Singh for the petitioners.
Mr. Dharmesh Joshi for Respondents.

CORAM: R.D. DHANUKA, J.
4th October, 2018

P.C:-

1) By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 1st November, 2017 dismissing the Misc.Appeal No.101 of 2017 filed by the petitioner and confirming the order passed by the learned Estate Officer on 25th September, 2017 directing eviction of the petitioner under Section 5 (1) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

2) With the assistance of the learned counsel for

the parties, I have perused the documents annexed to the petition and the order passed by the learned Estate Officer as well as the learned Principal Judge, City Civil Court, Greater Bombay. The Estate Officer after compliance of the principles of natural justice and following the provisions of law has passed an order of eviction on 28th September, 2017. The petitioner did not file any proceeding, inter alia praying for seeking any protection on the ground that he was allegedly a protected licensee in the suit premises since 1991 or otherwise.

3) The Principal Judge, City Civil Court Bombay considered the arguments of both parties and the material placed on record and has rendered findings on facts against the petitioner. It is held by the learned Principal Judge that the petitioner was in unauthorized occupation of the suit premises and accordingly rejected the said appeal preferred by the petitioner. It is not in dispute that the suit structure has already been demolished by the respondent on 24th November, 2017. I do not find any infirmity with the impugned order passed by the learned Estate Officer on 25th September, 2017 and order dated 1st

November, 2017 passed by the learned Principal Judge, City Civil Court, Greater Bombay. Writ petition is devoid of merit and is accordingly dismissed.

3) No order as to costs.

(R.D. DHANUKA, J.)