

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

WRIT PETITION NO.11395 OF 2018

Shri Murad Madat Pandaniya & Ors. ... Petitioners

Vs

Pune Mahanagar Parivahan Mahamandal Ltd.
(PMPML) & Ors. ... Respondents

Mr.Jaydeep Deo for the Petitioners

Mr.R.P. Sakhadeo for Resp. No.1

Ms.Neha Bhide, B Panel for Respondent – State

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATED: AUGUST 7, 2019

P.C.:

1. The petitioners are the occupants of one shop each in building No.4 at Hadapsar, Gadital, Pune. The respondent No.1 initiated eviction proceedings against the petitioners and respondent No.2 was appointed as competent authority. By eight separate orders of eviction orders, the petitioners were asked to vacate their premises. The petitioners, therefore, challenged the same by preferring eight appeals before the District Court, Pune.

By order dated 8.9.2017, the District Judge, Pune quashed and set aside the eviction orders and remanded the matter to Respondent No.2 for rehearing, as per law. Thereafter, the notices of rehearing were served on the petitioners. The petitioners appeared before respondent No.2 and filed written submissions. However, pending the decision in the matter, respondent No.1 issued notices dated 29.9.2018 calling upon the petitioners to deposit rent and interest within 24 hours failing which the possession of the suit premises was threatened to be taken.

2. The Counsel appearing for Respondent No.1 states that the notices were issued since they were asked on oral directions of respondent No.2 to inform the petitioners about the pending dues.

3. The submission made by the learned advocate for Respondent No.1 cannot be accepted. Respondent No.1 could not have issued any notice calling upon the petitioners to deposit the rent and also threatening them with eviction pending rehearing before respondent No.2 when admittedly, the hearing is not concluded. In view of such conduct on the part of respondent No.1, the notices issued by respondent No.1 on 29.9.2018 are quashed and set aside. The counsel appearing for respondent

No.2 states that hearing will be concluded within a period of four weeks. The statement is accepted.

4. Writ Petition is accordingly disposed of.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)