

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

**CIVIL APPLICATION NO. IA- 01 OF 2019
WITH
CIVIL APPLICATION NO. IA-02 OF 2019
IN
WRIT PETITION NO. 9681 OF 2019**

Smt. Rekha Gandhi

... Petitioner.

V/s.

Controller of Accommodation,
General Administration Dept. & Ors. ... Respondents.

Mr. V. S. Kapse, Advocate, a/w. S. B. Shetye for the
Petitioner.

Mr. P. P. Pujari, AGP for the Respondent Nos. 1 to 3.

Mr. Vikram N. Walawalkar, Advocate i/by Amay C.
Sawant for Respondent No.4.

CORAM : UJJAL BHUYAN, J.

DATE : OCTOBER 09, 2019.

PC :

1 Heard Mr. Kapse, learned counsel appearing
for the Petitioner, Mr. Walawalkar, learned counsel for
Respondent No. 4 and Mr. Pujari, Assistant Government
Pleader for Respondent Nos. 1 to 3.

2 The writ petition was earlier dismissed for
non-prosecution on 14.08.2019. Subsequently, the

dismissal order was recalled and the writ petition was restored to file vide order dated 03.09.2019 passed in Civil Application No.2061 of 2019.

3 It may be mentioned that on 01.01.2019, this court had passed an interim order in the writ petition to the effect that no coercive action should be taken against the petitioner and that the parties should maintain status-quo. However, while restoring the writ petition to file, there was no specific order reviving the aforesaid interim order dated 01.01.2019. Hence, this civil application.

4 After hearing the learned counsel for the parties and on due consideration, court is of the view that it would meet the ends of justice if the position which prevailed on the date of dismissal of the writ petition is restored since the same has already been restored to file.

5 Accordingly and in light of the above, interim order passed on 01.01.2019 would stand revived.

6 At this stage, learned counsel for Respondent No.4 submits that the order impugned has already been executed and the petitioner is now no

longer a landless person. Be that as it may be, this aspect of the matter would be dealt-with when the case would be taken up for hearing on admission. Till such time, interim order passed on 01.01.2019 would hold the field.

7 In view of restoration of the status-quo order, Respondents should do the needful for putting the petitioner/applicant back in possession if he had been evicted in the meantime.

8 Both the civil applications are disposed of.

(UJJAL BHUYAN, J.)

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