

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 512 OF 2018

HarshAshok Vyas

... Petitioner

Versus

The Board of Trustees of the
Port of Mumbai and Ors.

... Respondents

Mr. Prerak Chaudhary or the Petitioner.

None for the respondents.

**CORAM : B.P. DHARMADHIKAKRI &
REVATI MOHITE DERE, JJ.**

DATE : FEBRUARY 21, 2019

P.C.:

Petitioner points out briefly past history to urge that after coming into force of Maharashtra Rent Control Act, 1999, Port Trust Authority being not local authority as envisaged therein, automatically gets subjected to Rent Control Act and hence provisions of Public Premises Eviction Act are not relevant. Learned counsel however, fairly points out that after receipt of notice alleging the petitioner as an unauthorized occupant, petitioner has filed appropriate reply before the Estate Officer and raised this also as one of the defence. He further adds that the petitioner has

not sought any adjournment before that authority pointing out the pendency of the present petition.

We find that the authorities functioning under the Public Premises Eviction Act can look into this aspect and need of simultaneous proceedings before this court does not exist. However, we keep the contention of the petitioner in this respect open. With liberty to the petitioner to raise all these contentions before the Estate Officer or then before the competent court of law including this court if any occasion therefor arises in future, we dispose of the present petition.

(REVATI MOHITE DERE, J.) (B.P. DHARMADHIKARI, J.)