

R.M. AMBERKAR  
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2276 OF 2021

Bhimashankar Dagadu Shete

.. Petitioner

**Versus**

State of Maharashtra & Ors.

.. Respondents

- .....
- Mr. Sujeet R. Bugade for the Petitioner
  - Mr. S.B. Kaled, AGP for the State
  - Mr. Y.G. Thorat for Respondent No. 5
- .....

**CORAM : S.J. KATHAWALLA &  
MILIND N. JADHAV, JJ.**

**DATE : JULY 17, 2021.**

**P.C.:**

The above Writ Petition is filed by the Petitioner *inter alia* for the following reliefs:-

- "(b) This Hon'ble Court be pleased to issue appropriate writ, order directions in terms of writ of Prohibition or any other appropriate writ prohibiting to the respondent No. 4 from conducting impugned proceedings of tenancy case no. 11 of 2006 pending before respondent no. 4.
- (c) This Hon'ble Court be pleased to issue appropriate writ, order directions in terms of writ of certiorari or any other appropriate writ, order direction in terms of declaration that impugned proceeding is void ab initio and kindly quashed and set aside the same forthwith."

**2.** Learned Advocate Mr. Thorat appearing on behalf of Respondent No. 5 seeks liberty to file his Vakalatnama within a period of one week from today. Liberty as prayed for is granted.

**3.** It is the case of the Petitioner that Respondent No. 4 is not following the procedure laid down in law whilst hearing Tenancy Case No. 11 of 2016 pending before him. He states that he has, therefore, moved this Court to restrain Respondent No. 4 from conducting the said proceedings on the principle of "Prevention is better than cure".

**4.** Since Respondent No. 4 has not passed any order till date and if the order passed by Respondent No. 4 after hearing the parties is against the Petitioner, the same can be impugned by the Petitioner before the appropriate Court / Authority, we are at this stage not inclined to grant any relief as sought by the Petitioner. Needless to add that Respondent No. 4 will conduct the hearing by strictly following the procedure prescribed by law.

**5.** The above Writ Petition is accordingly disposed of.

**[ MILIND N. JADHAV, J. ]**

**[ S. J. KATHAWALLA, J. ]**