

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

WRIT PETITION NO. 5438 OF 2021

Ramesh H. Prajapati	...	Petitioner
Versus		
Union of India & Ors.	...	Respondents

.....

Mr. Rajendra Mishra i/b Jenny Karakasia for the Petitioner.
Smt. S. V. Bharucha with Mr. P. Sonawane i/b A. A. Ansari for the Respondent.

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CORAM :	K.K. TATED & PRITHVIRAJ K. CHAVAN, JJ.
DATE	:SEPTEMBER 13, 2021.

P.C. :-

. Heard.

2. By this petition, under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 16/03/2020 passed by the Bombay City Civil Court in Miscellaneous Appeal No. 10/2020 upholding eviction order dated 10/11/2017 passed by the Estate Officer under Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971.

3. In the present proceedings, the Respondents issued the show cause notice to the Petitioner under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 calling upon him to hand over the vacant and peaceful possession of Shop No. 6, Building No.12, Sector-III, Kane Nagar, Mumbai-400037. It is the case of the Respondent that the

originally the said property was allotted in the name of Daniel M. Michael. During the visit the Respondent learned that the Petitioner Mr. Ramesh Prajapati is in possession of the said premises. Paragraph 5 of the said order:

“5. Shri Ramesh H. Prajapati appeared for personal hearing on behalf of Shri Daniel M. Michael, in the matter and claimed to be a worker working under him but doesn't have any contact with Shri Daniel M. Michael for the last three to four years. He also stated that Shri Daniel M. Michael might be residing in Kerala and he has advise him to vacate the shop earlier. I have gone through the records and found that the shop has been sublet to a private person. Hence, I am of the opinion that it is a clear case of subletting. The shop has been cancelled on subletting round which is correct. If Shri Daniel M. Michael is not in a position to run the business he should vacate it. Hence I find no reason to allow Shri Daniel M. Michael to continue to occupy the premises and he should be evicted from the premises immediately.”

The Petitioner himself admitted that he was working with the original allottee but now he don't have any contact with the original allottee and he don't know about Mr. Daniel M. Michael. This essence shows that the Petitioner is an unauthorized occupant in the said premises.

4. In view of these facts, we do not find any reason to entertain the present writ petition.
5. The writ petition stands rejected.
6. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)