

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

WRIT PETITION NO. 11859 OF 2018

Mr. Shaikh Mohd. Arif S/o.

Late Mr. Abdul Qayyum

... Petitioner

Vs.

State of Maharashtra & Ors.

... Respondents

.....

None for the Petitioner.

Mr. S. H. Kankal, AGP for the Respondent No.1-State.

Mr. R. P. Ojha for the Respondent Nos. 2 and 3.

Mr. Prakash Raman, Upper Divisional Clerk, Estate Department,
Union of India.

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CORAM: MADHAV J. JAMDAR, J.

DATE : 5th AUGUST, 2021.

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1. None appears for the Petitioner.
2. This petition appeared on board on 4th August, 2021 and as none appeared for the Petitioner, to give one more opportunity to the Petitioner, the matter is adjourned to today. Today also none appears for the Petitioner.
3. Mr. R. K. Ojha, learned counsel appearing for the Respondent No.2-the Estate Officer, Government of India and Respondent No.3-the Assistant Estate Manager, Government of India states that the Petitioner has vacated the premises in question namely shop No. 8, Building No. 12, Sector -III, Kane Nagar, Mumbai- 400037 and handed over possession to the Central Public Works Department, Government of India on 14th February, 2021.

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4. Mr. Prakash Raman, Upper Divisional Clerk, Estate Department, Union of India is personally present in Court and states that on 14th February, 2019, the Petitioner has handed over the possession as stated hereinabove and he also produces eviction report dated 14th February, 2019. The said eviction report is taken on record and marked 'X' for identification.

5. In the Writ Petition the impugned order is dated 27th August, 2018 passed by the learned Principal Judge, Greater Bombay in Miscellaneous Appeal No. 158 of 2017. By the said order said Miscellaneous Appeal was dismissed. In said Miscellaneous Appeal No. 158 of 2017 order of eviction dated 10th November, 2017 passed by the Estate Officer under sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 was challenged. There is no stay order granted in this petition. Thus, it is clear that the eviction order passed under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 is confirmed by the learned Principal Judge, Greater Bombay on 27th August, 2018. The possession of shop No. 8 is already handed over to the Central Public Work Department, Government of India on 14th February, 2019.

6. Thus, it appears that the Petitioner is not interested in pursuing the Writ Petition. Writ Petition is disposed of.

(MADHAV J. JAMDAR, J.)