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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2828 OF 2022

Sai Baba Educational Trust & Ors

...Petitioners

Versus

The State of Maharashtra & Ors

...Respondents

Mr Rakesh Agrawal, for the Petitioners.

Mr KS Thorat, AGP, for the Respondent-State.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**

DATED: 15th March 2022

PC:-

1. Mr Thorat in fairness accepts that the premises occupied by the Petitioners at BK No.1101 and 1097 at Camp No.3, Ulhasnagar of about 124.59 sq yards including a constructed room of 100 sq ft were being used under a registered agreement as a school for mentally challenged children. It seems that without notice and certainly without hearing, Respondents Nos. 2 and 3 sealed the premises and prevented the Petitioners from continuing their activities.

2. We are not at this stage concerned whether there is or is not the violation of the terms of the registered document. We are

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concerned with the manner in which the State Authorities have conducted themselves and how they have purported to act without a notice and without giving the Petitioners an opportunity of being heard.

3. We are told that there is a seal in place since 2019 on the premises. This will be removed forthwith. The Petitioners will be put back in possession, but this will be on a no equities and without prejudice basis so far as the Respondents are concerned.

4. We leave it to the Respondents to initiate such action as they may deem fit but strictly in accordance with law and without violating any of the fundamental rules of natural justice.

5. At this stage, learned Advocate appears for one Vashu Kukreja, a person mentioned in paragraph 13. Kukreja proclaims himself to be an RTI activist or social activist. He seems to have some sort of grievance against the Petitioner Trust. He says that it is he who filed a complaint in his capacity as “a social activist” and it on that complaint that the Government was “persuaded” to take this thoroughly illegal action against the Petitioners. We do not know who this Kukreja is or what he means by social activism or RTI activism. These are not disciplines. Merely proclaiming this does not establish Kukreja’s bona fides. The State Authorities will ignore every communication whatsoever from Kukreja in regard to the Petitioners’ premises. Admittedly, Kukreja has no interest whatsoever in the subject matter of the dispute. In any case, the fact that the authorities acted on Kukreja’s complaint without giving

notice and without affording a hearing to the Petitioners, and took such a drastic and extreme step of sealing the premises and evicting the Petitioners from them despite the existence of a registered document, clearly indicates that Kukreja is indeed a person of some significant influence at least with the authorities. That influence is useless in this Court. We trust we have made our position clear to the Respondent authorities.

6. The oral application for intervention by Kukreja is expressly rejected.

7. We give the Respondents time to pass a proper reasoned order after affording the Petitioners a hearing following a proper notice.

8. The Petition is disposed of in these terms. No costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)