

Versus

Deputy Director Directorate of Enforcement and another... Respondents

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Mr. H.S. Venegaonkar, Senior Advocate for the Respondents.

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DATED : MAY 13, 2022
(VACATION COURT)

P.C. :-

1. The Petitioners have approached this Court seeking to protect themselves against actual physical dispossession by the Respondent No.1 – Deputy Director of Enforcement. The Petitioner has approached this Court on account of the eviction notice issued on 22nd May, 2022. The Petitioners have an alternate remedy before the Appellate Tribunal. The Order of adjudication dated 19th April, 2022 has been received on 20th April, 2022 the period for filing an Appeal is 45 days. However, the Tribunal is not functional. These said facts are admitted by Mr. Venegaonkar representing the Respondent No.1.

2. In view thereof, Mr. Venegaonkar submits that Respondents will now only seek symbolic possession. At this, the Learned Counsel for the

Petitioners on instructions states that although schools are being run in some property, symbolic possession will be handed over without prejudice to their challenge to the order of adjudication.

3. In view of the statement, no further orders are required to be passed. The Petitioner cannot resist symbolic possession being sought and shall handover the symbolic possession of the property to the Respondents on the date scheduled. This order will operate for a period of 12 weeks.

4. Liberty to the Petitioners to apply if the occasion so arises. Meanwhile, it is submitted that an Appeal will be filed by 31st May, 2022, without fail. Needless to mention that the Appellate Authority shall dispose off the Appeal on merits without being influenced by the order passed by this Court. In view of this, the Writ Petition stands disposed in the above terms.

(N.R. BORKAR, J.)

(A.K. MENON, J.)

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