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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 240/2020

SUSHILA RAMASARE GUPTA & ANR. ..PETITIONERS

VS.

THE BOARD OF TRUSTEES OF THE
PORT OF MUMBAI & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 2965/2019**

URMILA VINOD MAROLIWALA ..PETITIONER

VS.

THE BOARD OF TRUSTEES OF THE
PORT OF MUMBAI & ORS. ..RESPONDENTS

Mr. Prerak Choudhary for the petitioners.

Mr. Nikunj Mehta a/w. Ms. Sneha Pandey i/b. Motiwalla &
Co. for respondent no.1.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 19, 2022.

P.C. :

1. Heard learned counsel for the petitioners.
2. Learned counsel for the petitioners submits that the order of eviction at the instance of the lessor is sought to be executed against the petitioner (claiming to be a sub-lessee/tenant) without issuance of the show cause notice against the order of eviction as contemplated by Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereafter 'the said Act' for short).

3. Learned counsel for the respondent no.1 raises preliminary objection for entertaining this writ petition on the ground that the petitioners have a remedy of filing an appeal under Section 9 of the said Act.
4. Faced with this objection, learned counsel for the petitioners seeks leave to withdraw the writ petitions with liberty to file an appeal under Section 9 of the said Act.
5. Liberty as prayed for is granted.
6. All contentions are kept open.
7. The writ petitions are disposed of as withdrawn.

(M.S.KARNIK, J.)