

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.4874 OF 2020
WITH WP/1768/2020 WITH WP/12316/2019 WITH
WP/14778/2019**

**KAILASH CHHABU HADAP
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr. Girish V. Wani, Advocate for the Petitioners.
Mr. P. K. Lakhotiya, AGP for Respondents-State.
Mr. B. S. Deshmukh, Advocate for Respondent Nos.2 to 4.

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 19th APRIL, 2023.

P.C:-

1. In view of the rival submissions the petitions can be disposed of with the following directions:

- a. The statement made by the learned counsel for the respondents that the petitioners shall be served with the notice under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, which is applicable to the premises owned by the respondent-Municipal Corporation is accepted as an undertaking to this Court.
- b. In view of the above it shall be open for the petitioners to raise every objection including that of their status as that of not a pan stall holders, but a regular shop allottees, which we expect the Estate Officer to deal with.

- c. Needless to clarify that the disposal of the petition will not come in the way of the petitioners to raise all his defences before the Estate Officer.
 - d. The Estate Officer to decide the said proceedings without being influenced by the disposal of the present petitions.
2. Writ Petitions accordingly stand disposed.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE