

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4862 OF 2023

Abdul Mujeeb Abdul Jabbar, Karanja, Washim and anr.

-VS-

Union of India, Thr. Secretary, Ministry of Defence, New Delhi and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. K. Thakkar, Advocate for petitioners.

Shri N. S. Deshpande, Deputy Solicitor General of India for respondent Nos.1 and 2.

Shri A. A. Madiwale, Assistant Government Pleader for respondent No.3.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : August 03, 2023

1. The challenge raised in the present writ petition is to the notice dated 04/07/2023 that has been issued to the petitioners under Section 4(2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. By the said notice, the petitioners have been asked to show cause why an order of eviction should not be made.
2. The learned counsel for the petitioners submits that the subject notice ought not to have been issued since the petitioners hold a valid lease in their favour. It is submitted that the right of the petitioners has been admitted in various communications issued by the respondent No.2 addressed to other revenue Authorities.
3. We find that what has been issued is merely a show cause notice calling upon the explanation of the petitioners. It would be open for the petitioners to contest the show cause notice on all permissible grounds. After the petitioners submit their reply to the show cause notice, the Estate Officer would be required to consider all such defences and proceed further in accordance with law. We are, therefore, not inclined to interfere at this stage. Keeping all points raised open, the writ petition is dismissed. No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)