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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 5431 OF 2021**

M.M. Shah through his Constituted Attorney ... Petitioner  
Shri Kantilal Ratanshi Gala

vs.

Union of India through the Director of Estate ... Respondent

Ms. Jenny A. Karakasia, for Petitioner.

Mrs. Shehnaz V. Bharucha and Mr. Pranil Sonawane, for  
Respondent.

**CORAM : GAURI GODSE, J.**

**DATED : 7<sup>th</sup> MARCH, 2024**

**P.C. :-**

1. This petition challenges judgment and order dated 16<sup>th</sup> March 2020, passed by the City Civil Court, Bombay dismissing the petitioner's appeal. The appeal was preferred by the petitioner for challenging the eviction order dated 10<sup>th</sup> November 2017, passed by the Estate Officer under section 5 of the Public Premises(Eviction of Unauthorized Occupants) Act, 1971 ("said Act").

2. The order of eviction dated 10<sup>th</sup> November 2017, indicates that the suit premises was allotted in the name of the petitioner. The said allotment was cancelled w.e.f. 4<sup>th</sup> July 2017 on account of sub-

letting. The said order of eviction further indicates that the Show Cause Notice was issued on 13<sup>th</sup> October 2017, under section 4 of the said Act, and a personal hearing was fixed on 9<sup>th</sup> November 2017. In response to the Show Cause Notice, no one appeared for the personal hearing nor any response was submitted. Hence, considering the record and cancellation of the allotment order, an eviction order was passed on 10<sup>th</sup> November 2017. The said order was challenged by the petitioner before the City Civil Court by filing a Miscellaneous Appeal. The said Appeal is dismissed after hearing the petitioner.

3. A copy of the order dated 4<sup>th</sup> July 2017, canceling the allotment is placed on record by the learned counsel for the respondents. I have perused the order. The order indicates that the allotment of the suit premises was cancelled and directions were issued to hand over the possession of the suit premises. It is not in dispute that the said order of cancellation of allotment is not challenged by the petitioner. Perusal of the impugned judgment and order rejecting the appeal of the petitioner indicates that all the grounds raised by the petitioner are considered. The impugned judgment and order refers to an inspection report dated 21<sup>st</sup> April 2017, which shows that at the time of inspection, the petitioner was

not found using the suit premises, and the premises were used by a third party. In the impugned judgment and order, the learned Judge has further examined the terms and conditions of the original allotment as well as the earlier order passed cancelling the allotment.

4. I do not see any error or any illegality in the reasons recorded in the impugned order.

5. Considering the aforesaid undisputed facts, no case is made out for intervention under Article 227 of the Constitution of India in the impugned order.

6. Petition is devoid of any merits. For the reasons recorded above, the petition is dismissed.

**(GAURI GODSE, J.)**