

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO. 2055 OF 2024

Bhimnath Kachar Jadhav

.. Petitioner

Versus

**The Assistant Commissioner, Social Welfare,
Mumbai City & Ors.**

.. Respondents

Adv. Kalyani Mangave a/w Urmila Yengade i/b. Rahul Salve for the
Petitioner.

Mr. Y. D. Patil, AGP for the Respondent Nos. 1 and 3.

Dr. Triveni Pundalik Lohar, Head Clerk, Social Welfare Office, Chembur,
Mumbai is present.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: AUGUST 27, 2024

P. C.

1. The above Writ Petition is filed to direct Respondent No.1 to execute the order dated 5th April, 2023 passed by the learned Senior Citizens Tribunal, Mumbai, as expeditiously as possible and within a period of 14 days from today. By the said order, the Petitioner is permitted to reside in BDD Chawl No.13, Kholi No. 53, Shivadi, Mumbai 400015 along with his nephew.

2. The grievance made is that despite this order, the Petitioner has not been permitted to reside in the said BDD Chawl No.13, Kholi No. 53 and the Authorities are doing nothing to ensure compliance and/or enforcement of this order.

3. The learned AGP appearing for the State submitted that when they visited the said Kholi No.53, they found it locked. Because there is no specific direction to break open the lock to ensure compliance of the order passed by the Senior Citizens Tribunal, the order could not be executed.

4. Since the limited controversy in the present Petition is for enforcement of the order passed by the Senior Citizens Tribunal, we direct that Respondent No.1 shall ensure enforcement of the said order dated 5th April, 2023, as expeditiously as possible, and in any event within a period of 15 days from today. If, for this purpose, the 1st Respondent has to break open the lock put on Kholi No.53, they shall be free to do so and ensure that the Petitioner is given access to Kholi No.53 as more particularly set out in the order dated 5th April, 2023. The Local Police Station shall give all the necessary assistance to the 1st Respondent to ensure that the order dated 5th April, 2023 [passed by the Senior Citizens Tribunal, Mumbai] is complied

with, failing which the Senior Police Inspector of the said Police Station shall be liable for contempt.

5. The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

6. Though we have disposed of the above Writ Petition, we place it on board for reporting compliance on 6th September, 2024.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]