

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 3999 OF 2024

Taralekar Motors Pvt Ltd

.. Petitioner

Versus

Estate Officer,
Central Railways.

.. Respondent

-
- Mr. S.S. Patwardhan i/by Ms. Mrinal A. Shelar for Petitioner
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 27, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 27.02.2024. Heard Mr. Patwardhan, learned Advocate for Petitioner.
3. The impugned judgment & order dated 21.11.2023 passed by the District Court against the order of eviction passed by the Estate Officer, rather both orders come to a definite conclusion that there is a dispute of title between the parties. This is a case under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.
4. Mr. Patwardhan seeks to refer to and rely upon various Citations. Citations shall be circulated to the Court as also to the other side. An arguable case is made out by Mr. Patwardhan for issuance of

notice and stay of the impugned order on the basis of the above submissions. Respondent, Railways will have to be heard.

5. Issue notice to the Respondent made returnable on 12.03.2024. Humdast permitted.

6. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondent and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After receiving the notice, Respondent to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioner.

7. Respondent is directed to remain present either himself or through his Advocate on the next adjourned date. It is made clear that if Respondent remains absent despite service on the next adjourned date, this Writ Petition shall be heard and disposed of at the stage of admission in the absence of the Respondent.

8. Stand over to **12th March, 2024**. In the meanwhile, the impugned judgment & order dated 21.11.2023 shall stand stayed.

[MILIND N. JADHAV, J.]

Amberkar

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2024.02.27
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