

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11142 OF 2024**

Ajit Sharad Pandit

... Petitioner

Versus

The Collector and District Magistrate, Palghar and
Ors.

... Respondents

.....

Mr. Abhishek Karnik a/w. Mr. Onkar Wable, Advocate for the Petitioner.
Mr. Y. D. Patil, AGP for the State.

CORAM : R. M. JOSHI, J.**DATED : 8th AUGUST, 2024.****P.C. :**

1. Leave to amend.
2. Learned counsel for the petitioner submits that there is serious dispute with regard to the rights of petitioner and others in the property from which petitioner is asked to be removed. According to him property belongs to the father of the petitioner and on his death petitioner along with other heirs are entitled to the said properties. Thus, it is his contention that under the guise of proceedings under Maintenance and Welfare of Parents and Senior Citizens Act, no order of his eviction can be passed.
3. By drawing attention of this Court to the order passed by the Tribunal, under the Act, it is submitted that having regard to the said order, it was not necessary for the Appellate Authority to pass order of

removal of the petitioner from his place of residence without any case being made out to that effect. It is his submission that respondent aggrieved senior citizen, is in fact residing with brother of the petitioner and not with him. In order to show the bonafides, on instructions makes statement that the petitioner will deposit a sum of Rs.30,000/- to this Court on or before 13.08.2024, towards maintenance of respondent, senior citizen.

4. The said statement is accepted as undertaking. Having regard to the aforestated facts, a arguable case is made out by the petitioner. Hence, issue notice to the respondents, returnable on **2nd September, 2024**. There shall be stay to the impugned order till the next date of hearing, subject to deposit of amount of Rs.30,000/- on or before 13.08.2024.

(R. M. JOSHI, J.)

SONALI
SATISH
KILAJE
Digitally
signed by
SONALI
SATISH
KILAJE
Date:
2024.08.09
17:30:45
+0700