

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3463 OF 2023**

Shamji Hamir Baria ...Petitioner
Versus
Chief Engineer Solid Waste Management ...Respondents
Department & Ors

Mr S Banerjee, i/b Sharikh, for the Petitioner.
Mrs Uma Palsuledesai, AGP, for the Respondent-State.
Ms Pooja Yadav, for the Respondent-MCGM.
Mr Dhiraj T Jadav, Caretaker, AHS Chawls City SWM Department
(MCGM), is present.

**CORAM G.S. Patel &
Kamal Khata, JJ.**
DATED: 31st January 2024

PC:-

1. The Petition is thoroughly misconceived. The Petitioner complains about his eviction from the municipal service quarters which are at BIT Chawl No. 4, Room No. 25, Baburao More Marg, Mumbai Central 400 008. The Petition itself says that the allotment was to the Petitioner's father because he was in service with the MCGM. Ms Yadav states that these are service quarters meant to be allocated to employees in the Solid Waste Management Department of the Municipal Corporation of Greater Mumbai ("MCGM"). Admittedly the Petitioner is not the employee of the MCGM.

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2. The complaint is that the “due process of law has not been followed”. When asked what this is supposed to mean, the answer is that the notice that was given was of 6th July 2021 but the eviction is far more recent of February 2023. But almost a year has passed since then, and we do not know why this matter is mentioned out of turn.

3. Possession is with the MCGM which has locked the premises. The only thing that can be done is to direct the MCGM to return any of the Petitioner’s belongings that are in the premises. Ms Yadav says that except for an AC all the other possession and personal belongings are being returned to the Petitioner. This is sufficient for our purposes.

4. This is possibly the only case where the Petitioner complains that the notice is too long rather than too short.

5. The Petition is rejected with no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)