



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3051 OF 2020

(Akash Futana and another...Vs...Union of India and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms. Gayatri Sharma h/f Mr. Alok Daga, counsel for petitioners.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : FEBRUARY 13, 2024

Heard.

2. The petitioners' prayer is to quash and set aside the order dated 11.8.2020, passed by respondent No. 3 – Estate Officer, Central Railway, in exercise of powers under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (“Act”, for short).

3. The case of the petitioners is the original allottee was one Mr. Mahesh Sharma, who, in turn, divided the said premises into two and inducted the petitioners as one of the occupant. The contention is, unless there is a notice to the petitioners under Act, independent proceedings under the provisions of the Act, the petitioners cannot be evicted from the premises in question.

4. We hardly see any substance in the petition, particularly, when the petitioners were not inducted by respondent railway authorities. The petitioners themselves have admitted that they were inducted by Mr. Mahesh Sharma, who was occupying the

premises allotted to him by the respondents. In that view of the matter, we do not see any reason to cause interference in the extra ordinary jurisdiction.

5. Petition stands dismissed.

(ABHAY J. MANTRI, J.) (NITIN W. SAMBRE, J.)