

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1819 OF 2025
IN
WRIT PETITION NO. 5905 OF 2017

Arun Prabhakar Bandekar	..Applicant
In the matter between	
Arun Prabhakar Bandekar	..Petitioner
Versus	
The State of Maharashtra Through The Secretary & Ors	...Respondents

Mr. Bhushan U. Deshmukh, with Shashank Patore, for the Petitioner.
Mr. Ketan Joshi, 'B' Panel Advocate, for Respondent No.1-State.
Mr. Rakesh Singh, with Heena Shaikh, i/b M.V. Keni & Co, for
Respondent No.2.

CORAM: N. J. JAMADAR, J.

DATED : 5th MAY 2025

P.C.:

- 1.** Heard learned Counsel for the parties.
- 2.** This is an Application to restore the Writ Petition No. 5905 of 2017, which came to be dismissed for want of prosecution by an order dated 30th January 2025.
- 3.** The learned Counsel for the Applicant invites attention of the Court to an order dated 23rd June 2017, whereby this Court has continued the interim order passed by the learned District Judge,

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Barshi, in Regular Civil Appeal No. 9 of 2017, preferred against an order of eviction passed by the competent authority, i.e., Deputy Collector, Solaupur, in Eviction Application No.3 of 2016.

4. The Applicant is in the occupation of a canteen admeasuring approximately 720 sq ft in the State Transport Bus Station, Vairag, under the control of Respondent No.2.

5. Immediately after the dismissal of the Petition, the Respondent No.2 has seized the premises on 5th February 2025.

6. I have perused the order passed by this Court. On 23rd June 2017, this Court was persuaded to continue the interim relief as the question as to whether the competent authority had given notice under Section 4 of the Bombay Government Premises (Eviction) Act, 1955 warrants consideration.

7. The Court is informed that the belongings of the Petitioner/Applicant have not been removed. Respondent No.2 has sealed the premises by putting a lock.

8. In these circumstances, when this Court had granted an interim relief, it would be expedient to restore the Petition and continue the ad-interim relief.

9. The learned Counsel for Respondent No.2 submitted that since the year 2015, the Petitioner has not been diligent in prosecuting the proceeding and there are arrears in excess of Rs. 8 crores.

10. The concern of the Respondent No.2 can be taken care of by putting the Petitioner to terms and fixing a peremptory date for hearing of the Petition.

11. Hence the following order:

: O R D E R :

(i) The Application stands allowed in terms of prayer clause (a), which reads as under:

(a) Be pleased to direct the respondent no. 2 to immediately remove the Lock put over the suit premises i.e. canteen at the Vairag Bus Stand, Variag, Tal-Barshi, Dist-Solapur and thereby restore the possession of the applicant herein.

(ii) The order dated 30th January 2025 dismissing the Petition for want of prosecution stands recalled.

(iii) Writ Petition No. 5905 of 2017 stands restored to file.

(iv) The interim order dated 23rd June 2017 shall continue to operate until further orders subject to following conditions:

(1) The Petition be listed for hearing and final disposal on 19th June 2025.

(2) The Petitioner shall not seek any adjournment.

(3) The Petitioner shall without prejudice to his rights and contentions deposit a sum of Rs. 2,50,000/- with Respondent No.2 within a period of five weeks from today.

Application disposed.

[N. J. JAMADAR, J.]