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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16885 OF 2024

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Ritik Ceramics Pvt. Ltd. & Anr.

... Petitioner

V/s.

Bengal Chemical & Pharmaceuticals
Limited & Anr.

... Respondents

Ms. Nazneed Baig for the petitioner (through V.C.)

Mr. Arjun S. Pawar for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 22, 2025

P.C.:

1. The petitioner is challenging the impugned judgment and order passed by the Principal Judge, City Civil Court, Mumbai, in a proceeding arising out of the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The challenge is made under the supervisory jurisdiction of this Court under Article 226 of the Constitution of India.

2. The petitioner was allotted the premises in question on a leave and license basis. In breach of the terms and conditions of such leave and license, the petitioner failed to pay the amount of compensation. Accordingly, the respondents, on 25th April 2023, issued a notice of eviction under Section 4 of the Public Premises

Act, clearly specifying the arrears amounting to Rs.1,12,05,313/-. The issuance of this notice was in compliance with the statutory mandate and provided the petitioner an opportunity to respond, thereby adhering to the principles of natural justice.

3. According to the petitioner, an amount of Rs.75 lakh has been paid subsequently. However, the petitioner failed to appear before the Estate Officer. This failure constituted a waiver of the petitioner's right to contest the proceedings at that stage. Consequently, the Estate Officer passed an order of eviction on merits, recording a finding that there was a breach of the conditions of the leave and license agreement, particularly regarding the payment obligations.

4. The Principal Judge, City Civil Court, Mumbai, while exercising appellate jurisdiction under the Act, recorded a finding that the petitioner failed to pay the outstanding amount during the pendency of the appeal. The appellate court also granted the petitioner an opportunity, through an order dated 7th August 2024, to deposit the balance dues of Rs.38 lakh based on an application filed by the petitioner. However, the petitioner failed to comply with the conditional opportunity. This failure justified the confirmation of the eviction order under the doctrine of accountability and procedural fairness.

5. The scope of judicial review in such cases is limited to examining whether the findings of the lower court or tribunal suffer from any jurisdictional error, manifest illegality, or perversity.

6. It is not in dispute that possession of the premises has already been taken over pursuant to the eviction order. Any dispute concerning the exact amount of arrears payable by the petitioner is ancillary and can be adjudicated in an appropriate proceeding before the Estate Officer, as provided under Section 7 of the Public Premises Act.

7. In view of the above discussion, it is evident that the petitioner has not demonstrated any jurisdictional error, manifest illegality in the impugned orders. Therefore, no interference is warranted under Article 226 of the Constitution of India. The writ petition is devoid of merit and accordingly stands dismissed. No costs.

(AMIT BORKAR, J.)