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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9388 OF 2025**

Mukesh Devi Ahlawat ... Petitioner

Vs.

The Union of India through ... Respondents
the Secretary, Ministry of
Defence and Another

Mr. Satyavan N. Vaishnav a/w. Ms. Nupur J. Mukherjee, Mr.
Armaan Grewal i/b. M/s. N. N. Vaishnawa & Co. for the
Petitioner.

Mr. R. S. Apte, Senior Advocate a/w. Mr. D. P. Singh for
Union of India.

Mr. Sakhdev Pawar – High Skilled I.

CORAM : GAURI GODSE, J.

DATE : 3rd SEPTEMBER 2025

ORDER :

1. This petition is filed by the occupant of Shop No. 8 against whom the order is passed under The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 to vacate the shop premises. The Estate Officer's order is confirmed in appeal filed before the district court.

2. Learned counsel for the petitioner submitted that as per the policy of the respondents the shops are allotted after

inviting applications and petitioner had already filed application for allotment, however, the same was not decided. He on instructions submits that if fresh applications are invited the petitioner is agreeable to apply afresh for allotment of shop.

3. Learned senior counsel appearing for the respondents on instructions submits that respondent no. 2 shall invite fresh applications for allotment of the shops by publishing advertisement in the newspapers. He submits that, if the petitioner applies afresh pursuant to the advertisement, her application shall be considered in accordance with law and the existing policy.

4. In view of the aforesaid submissions, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to participate in the allotment procedure by making a fresh application for allotment pursuant to the advertisement that is proposed to be published by respondent no. 2.

5. Learned counsel for the petitioner further on instructions submits that if the petitioner's application is not positively decided in the proposed allotment procedure, the petitioner shall vacate shop no. 8 within four weeks from the

date of communication of the decision taken in the proposed allotment procedure. He further submits that the arrears towards all the dues of Shop No. 8 shall be cleared by the petitioner within two weeks and she shall continue to pay the dues till she vacates the shop premises. He submits that the petitioner shall accordingly file affidavit-cum-undertaking in this court within one week.

6. The writ petition is therefore disposed of by passing the following order:

(i) The statement made on behalf of respondent no. 2 that the fresh allotment procedure shall be initiated by issuing public advertisement in the local newspapers within two weeks is accepted as an assurance to this court.

(ii) The petitioner is granted leave to withdraw this petition with liberty to file a fresh application for allotment of shop by participating in the fresh allotment procedure proposed by respondent no. 2, by publishing advertisement.

(iii) If the petitioner participates in the proposed

allotment procedure by making appropriate application, the same shall be decided on its own merits uninfluenced by the impugned orders and in accordance with law.

(iv) If the decision in the proposed allotment procedure is adverse to the petitioner, she shall vacate shop no. 8 within four weeks from the date of communication of the decision to the petitioner.

(v) It is clarified that in the allotment procedure the petitioner shall not be entitled to insist for allotment of shop no. 8 and her application shall be decided as per the existing policy.

(vi) The petitioner shall file affidavit-cum-undertaking in this court, within one week from today, stating that the petitioner shall vacate shop no. 8 within four weeks from date of communication of the decision of the proposed allotment process, if the decision is adverse to the petitioner or in the event some other shop is allotted to the petitioner in the proposed process.

(vii) The affidavit shall also state that the petitioner shall clear all the dues within two weeks from today and

shall continue to pay all the dues till she occupies shop no. 8.

(viii) The affidavit shall also state that shop no. 8 is occupied only by the petitioner and that the petitioner shall not create any third party interest in shop no. 8 or part with possession in favour of any third party.

(ix) Subject to the petitioner filing the affidavit-cum-undertaking as directed by this order, the orders impugned in this petition shall not be implemented.

(x) It is clarified that if the undertaking as directed by this order is not filed within the time granted or if the petitioner does not apply in the proposed procedure for allotment, the impugned order shall become operative and respondents shall be entitled to implement the same.

(xi) It is clarified that this order is passed in the facts and circumstances of this case and this order shall not be treated as a precedent.

(xii) The Writ Petition is disposed of as withdrawn subject to the aforesaid directions.

[GAURI GODSE, J.]