

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14113 OF 2025

Mr. Sadashiv Chaudhary

.. Petitioner

Versus

The Central Public Works Department,
A Department under Union of India and ors.

.. Respondents

Mr. Ritvik Joshi, a/w Mr. Akshay R. Kulkarni i/b. Mr. Abhishek Raskar, Advocates for the Petitioner.

Mr. A. R. Deolekar, AGP for the Respondent - State.

Ms. Sangeeta Yadav, Advocate for the Respondents.

CORAM: AMIT S. JAMSANDEKAR, J.

DATE: OCTOBER 24, 2025

(Vacation Court)

ORAL ORDER :

1. Heard the Learned Counsel for the Petitioner.

2. By this Petition, the Petitioner has challenged the eviction order dated 14th October, 2025, passed by the 1st Respondent under sub-sections 2 and 3 of Section 3B of the Public Premises Act. It is submitted that the Respondents have invoked the wrong provisions of law to evict the Petitioner. It is further submitted that the Petitioner has also made a representation to the

Respondents to allow him to continue occupying the subject public premises, which application is pending.

3. It is the case of the Petitioner that the Petitioner was allotted the accommodation/Quarter/public premises during the tenure of his service with Respondent No.1. Admittedly, the Petitioner has retired from the service. Further, on two occasions, the Respondents have, admittedly, granted the Petitioner an extension to vacate the subject public premises on humanitarian grounds.

4. The Learned Counsel appearing for the Respondents vehemently opposed the Petition. She submitted that there is no provision in law by which the Respondents can allow the Petitioner to continue to occupy the subject public premises. She further submitted that, as admitted by the Petitioner, on two occasions, the Respondents have granted extension to the Petitioner on humanitarian grounds, and now, it is not possible to allow the Petitioner to occupy the subject public premises. Further, she submitted that eight employees of the Respondents are seeking the subject public premises as part of their service, and, due to the unauthorised occupation of the Petitioner, the current employees of the Respondents are deprived of the allotment of the subject public premises.

5. After hearing both the Petitioner and the Respondents, the learned Counsel for Petitioner submitted that, considering the facts and circumstances of the present case, and due to the Respondent's opposition, the Petitioner shall withdraw the petition if he is allowed to occupy the premises up to 30th November 2025. The Learned Counsel appearing for the Petitioner submitted that he is making this statement after taking instructions from the Petitioner.

6. The Learned Counsel appearing for the Respondent submitted that, though the Petitioner is not entitled to any such extension, considering the humanitarian grounds, the department shall allow the Petitioner to remain in occupation of the subject premises only till 30th November, 2025, and that too without prejudice to their rights and contentions. She further submitted that the undertaking of the Petitioner that he shall vacate the premises on or before 30th October 2025 be recorded. The Learned Counsel for the Petitioner submitted that he has instructions to make a statement and the undertaking of the Petitioner be recorded.

7. It is further submitted on behalf of the Petitioner that, if the Petitioner makes application after handing over vacant and peaceful possession to the 2nd Respondent on or before 30th November, 2025, seeking a reduction or

relaxation in the pending damages rent, the Respondents be directed to consider the same and pass an appropriate orders on such representation, in accordance with law. He submitted that with these directions and undertaking, the Petitioner is withdrawing the petition.

8. Accordingly, the following order is passed :-

ORDER

- (i) The Petitioner undertakes, and is ordered, and directed to hand over vacant and peaceful possession of the premises situated at ***“Quarter No.20 Type II in C.P.W.D. Colony, Mukundnagar, Pune”*** to the 2nd Respondent on or before 30th November, 2025.
- (ii) The Petitioner further undertakes that the Petitioner shall not seek any extension to hand over the vacant and peaceful possession of the subject premises by making an Application/representation before any other authorities/Court.
- (iii) If any Application is made by the Petitioner, after handing over vacant and peaceful possession to the 2nd Respondent on or before 30th November, 2025, for reduction or

relaxation in the pending damages rent, then the Respondents shall decide the same in accordance with law.

9. The undertakings of the Petitioner are accepted as undertakings to this Court.

10. Accordingly, the Petitioner is allowed to withdraw the Petition. **The Petition is disposed of with the directions and undertakings as mentioned above.**

11. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR , J.]