

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15636 OF 2025

Ranjana Vasant Tharthare

..Petitioner

Versus

Competent Authority And Ors

...Respondents

Ms. Seema Sarnaik, Senior Advocate, with Neelam Morey Salastekar,
i/b Prism Legal, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATE : 24th NOVEMBER 2025

ORDER:

1. The Petitioner takes exception to a judgment and order of 8th September 2025 passed by the learned Principal Judge, City Civil Court in Miscellaneous Appeal No. 109 of 2025, whereby the Appeal preferred by the Petitioner against an order of eviction passed by the Competent Authority under Sections 4 and 5 of the Maharashtra Government Premises (Eviction) Act, 1956, came to be dismissed.

2. The Petitioner was working as a Dental Hygienist at Government Medical College, Mumbai. The Petitioner was allotted a Government Quarter, B-206/03, Government Colony, Bandra (West), Mumbai 400 051 (“the psubject premises”), in the capacity of a Government servant. The Petitioner retired from service on 29th February 2020. The Petitioner

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claims that her pension and retirement benefits have not been released by the State Government. The Petitioner thus did not vacate the Government residential quarter. Hence eviction proceedings were initiated against the Petitioner.

3. By an order dated 6th June 2025, the Competent Authority directed the eviction of the Petitioner and recovery of a sum of Rs.20,50,415/- towards the arrears of usual rent, licence fee and rent at market and penal rate.

4. Being aggrieved, the Petitioner preferred an Appeal before the Principal Judge, City Civil Court, Greater Mumbai. By the impugned order, the learned Principal Judge was persuaded to dismiss the Appeal recording, *inter alia*, that the Petitioner had tendered an undertaking to vacate the subject premises. The learned Principal Judge, however, reduced the market rent to Rs.10/- per sq ft instead of Rs.150/- per sq ft, ordered to be paid by the Competent Authority, and also directed the grant of benefit of the Government Resolution dated 22nd April 2022 issued in the wake of the Covid 19 pandemic in respect of rent for the occupation of the subject premises.

5. Ms. Seema Sarnaik, the learned Senior Advocate for the Petitioner, submitted that despite repeated representations the pensionary and retirement dues of the Petitioner have not been cleared and, therefore, the Petitioner is not in a position to obtain another

premises to shift from the subject premises. Thus, the Competent Authority as well as the learned Principal Judge were in error in passing the orders of eviction.

6. I have perused the material on record. It appears that the Petitioner was transferred to Solapur in the month of June 2018. The Petitioner asserts that the said transfer was illegal and claims salary for the period during which she was transferred and posted at Solapur. Thus, a dispute seems to have arisen over the quantum of terminal benefits the Petitioner is entitled to.

7. The fact remains that the Petitioner has retired from service with effect from 29th February 2020. The Petitioner has no right to occupy the Government quarter post-retirement. The Petitioner ought to have resorted to, and is still at liberty to workout, her remedies if her legitimate dues have not been released by the employer. However, the Petitioner has no right to hold on to the residential quarter on the pretext that there is dispute with regard to the payment of retirement dues.

8. Moreover, the Petitioner has filed an undertaking before the Principal Judge to vacate the subject premises on or before 30th November 2025. Taking into account the said undertaking, the learned Principal Judge has substantially reduced the rate at which the rent for the period of unauthorised occupation be computed.

9. In the aforesaid view of the matter, there is no propriety in entertaining the Petition. The Petition thus stands dismissed.

10. However, by way of indulgence and to facilitate the Petitioner to make the alternate arrangement, no coercive action be taken against the Petitioner to evict her from the subject premises, till 31st December 2025.

[N. J. JAMADAR, J.]