

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 625 OF 2024

Gokul Vira Gada

...Petitioner

Vs.

Union of India & Ors.

...Respondents

Mr. Manish Gala i/by Law Square for the Petitioner.

Mr. Rui Rodrigues a/w Mahesh Shukla and Priyanka Bariya for Respondent Nos.1 & 3.

Mr. Gurudas Gorwadkar h/f Vaibhav Mehta & Associates for Respondent No.2.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 19 September 2025

P.C.:-

1. Heard Mr. Gala for the Petitioner, Mr. Rodrigues instructed by Mr. Shukla for Respondent Nos.1 and 3 and Mr. Gorwadkar for Respondent No.2.

2. By our order of 31 January 2023, by way of interim relief, we had directed the de-sealing of the Petitioner's premises i.e. Shop No.3 and 4 admeasuring 400 sq.ft. at Haji Habib Building, August Kranti Marg, next to St. Stephen's Church, Kemp's Corner, Mumbai 400 036.

3. The matter was kept for final disposal in order to enable the counsel for Respondent Nos.1 to 3 to make his submissions regarding custodian's powers to summarily take possession of premises.

4. The issue of custodian's summary power can be decided in an appropriate case. However, even summary powers would contemplate a minimum compliance with principles of natural justice and fair play. In this case, there was no such compliance. The record bears out that two notices were issued to the Petitioner, but Petitioner was not granted any hearing.

5. Therefore, we now direct that the Petitioner's premises shall not be sealed or that the Petitioner shall not be evicted from the premises without following the due course of law. This would include the issuance of at least a show cause notice to the Petitioner so that the Petitioner has an opportunity to explain why no action should be taken against him.

6. With the above directions and without going into the detail issues concerning the custodial powers to take possession of the premises summarily, we dispose of this Petition.

(Advait M. Sethna, J)

(M. S. Sonak, J.)