PANCHAL

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7951 OF 2026

Vijay Laxman Gavade ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

...

Mr. Kunal Shirgire i/by Mr. Vikas Kolekar, Mr. Prakash Yedage, Mr. Prashant Patole, Mr. Satvashil Gaikwad & Ms. Neeta Sisale-Kolekar, for the Petitioner.

Mrs. R. A. Salunkhe, AGP for Respondent Nos.1 to 4-State.

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CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 9th OCTOBER, 2026.

P.C.:

1. Heard learned Counsel for the Petitioner and learned AGP for the Respondents-State.

2. The instant Writ Petition is preferred for the following substantive reliefs :-

> *"(b) That this Hon'ble Court be pleased to issue writ of certiorari or mandamus or any other appropriate writ and be pleased to quashed and set aside the impugned Notice dated 08/04/2026 bearing Wo.No.CP/D-8(5)Bldg.Br/ NSS/92512026 sent by Deputy Commissioner of Police (Headquarter-2) BrihanMumbai;"*

3. The instant Writ Petition is preferred in the light of the order dated 21st July, 2025 passed in Writ Petition No.

9692 of 2025, whereby the Division Bench has directed to the Respondents to decide the representation dated 23rd May, 2025. The relevant paragraph No.3 of the said Order dated 21st July, 2025 is reproduced hereunder :-

> *"3. Insofar as prayer clause (b) is concerned, learned counsel appearing for respondent Nos. 1 and 3 states that the petitioner's representation dated 23rd May 2025 will be decided by the concerned authority as expeditiously as possible, and in any event, within eight weeks from the date of receipt of this order. He further submits that the said representation will be decided on its own merits and in accordance with law. Statement accepted."*

4. Learned Counsel for the Petitioner submits that instead of deciding the claim set up by the Petitioner within the stipulated time, the Respondents, under the guise of the impugned notice, have kept said representation, pending/ undecided. There is an imminent threat of eviction to the Petitioner. Learned Counsel for the Petitioner in support of his submission, tried to impress the Court *qua* the medical exigency faced by the Petitioner and other family related issues, as also the grave prejudice that would be caused to the Petitioner in the given facts.

5. We find that considering the factual situation as emerged, the interest of justice would be subserved in case the Respondent/Authority decides the representation of the

Petitioner dated 23rd May, 2025, which is yet to be adjudicated. The said representation may be decided expeditiously, preferably within a period of two months from the date of production of this a certified copy of this Order by the Petitioner.

6. In light of the above, in our view, interest of justice would be served by directing that the Impugned Notice be kept in abeyance, until the decision is taken by the Respondents on the Representation of the Petitioner dated 23rd May, 2025.

7. With the aforesaid directions, Writ Petition is Disposed Of.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**