

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 521 OF 2026

Ebrahim Hasam Kolsawalla

..Petitioner

Versus

The Board of Trustees of the Port of Mumbai &
Ors

...Respondents

Mr. Kunal Bhanage, with Akshay Pawar, for the Petitioner.

Mr. Mandar Bangale, i/b Bangale and Associates, for the Respondents.

CORAM: N. J. JAMADAR, J.

DATE : 16th FEBRUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 2nd May 2025 passed by the Estate Officer under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 ("the Act, 1971") whereby the Estate Officer directed that Case No. EO/E/(126)(126-A) of 2007, be taken out of sine die list and placed on regular board for hearing.
3. The case of the Petitioner is that, on 29th November 2008, the matter was placed on sine die list as the Port Trust-Applicant in the said Eviction Application, has itself stated that the Respondent-Petitioner herein has settled the outstanding liability in full and complied with other requirements, and the matter awaited consideration by the Board.

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4. Mr. Bhanage, the learned Counsel for the Petitioner, submits that, the Board has not taken any decision. Relying upon rejection of Settlement Application in respect of the other premises, with which the Petitioner has no concern, the Respondents have now approached the Estate Officer with a case that, the Board has rejected the settlement Application of the Petitioner as well.

5. The stand of the Respondents-Port Trust is that the Petitioner has failed to clear the outstanding amount.

6. Since the order impugned in this Petition is only of taking the matter out of sine die list and placing the same on regular board for hearing, there is no propriety in entertaining this Petition. However, since a dispute has arisen as to whether the Petitioner has cleared the outstanding amount, the Estate Officer shall permit the parties to file pleadings/Affidavit and produce the documents, in support of their respective contention, in particular an opportunity be provided to the Petitioner to substantiate his claim, that the entire outstanding amount has been cleared, and, thereafter, the Estate Officer may proceed with the proceedings under the Act, 1971.

7. Subject to the aforesaid clarification, the Petition stands disposed.

[N. J. JAMADAR, J.]