



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2480 OF 2026

Midas Multispecialty Hospital Pvt. Ltd, thr. its Director Dr. Shrikant V. Mukewar
Vs.
Union of India & Ors.

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Akshay A. Naik, Senior Advocate a/b. Mr. Rohan R. Deo, Advocate for
the Petitioner.

Mr. K.N. Shukul, DSGI with Mr. Gaurav Khatwani, Advocate for
Respondent No.1.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 26.03.2026

At the outset, Mr. Akshay Naik, learned Senior Counsel,
seeks leave of this Court to substitute the memo of the petition.

2. Leave is granted. The substitution be carried out
forthwith.

3. Heard Mr. Akshay Naik, learned Senior Counsel assisted
by Mr. Rohan R. Deo, learned counsel for the petitioner, and
Mr. K.N. Shukul, learned counsel for respondent No.1.

4. The contention is that the petitioner is a tenant of
respondent No.3. The said contention is substantiated by an
agreement of leave and licence dated 1st June, 2011. The
aforesaid agreement is at record page No.23 (Annexure-A).
Though the leave and licence agreement was executed on
1st June, 2011, the tenure thereof was from 1st June, 2011 to
31st May, 2021. However, Mr. Akshay Naik, learned Senior
Counsel, has invited our attention to the statement made on

oath on behalf of the petitioner in paragraph 9 of the petition, which reads thus:

“9. ...It is further submitted that although under the leave and licence agreement, the petitioner had a right to occupy the suit premises up to 31.05.2021, the petitioner has continued to possess and occupy the property as a tenant under an oral agreement with the Respondent No.3. Since the proclamation of sale has been issued on identical ground of non-payment of dues, the petitioner is again approaching this Hon’ble Court as it apprehends that the petitioner is likely to be dispossessed either by the respondents or by the subsequent purchaser without following the due process of law...”

5. Mr. Akshay Naik, learned Senior Counsel, submits that respondent No.2 – the Tax Recovery Officer, Income Tax Department, Nagpur, in order to recover dues outstanding against respondent No.3, who is the landlord of the petitioner, has issued a proclamation of sale in respect of the tenanted premises in question, and the said auction is scheduled on 30th March, 2026.

6. The petitioner is a tenant and has nothing to do with the dues of respondent No.3 or with the recovery proceedings initiated at the instance of respondent No.2. The petitioner is only apprehensive that if the auction is conducted on 30th March, 2026 and the tenanted premises owned by respondent No.3 are sold, the subsequent purchaser may initiate proceedings against the petitioner for eviction and for recovery of possession of the property in question.

7. In view of the above, issue notice to the respondents, returnable on 9th April, 2026.

8. Mr. K.N. Shukul, learned DSGI, waives service of notice on behalf of respondent No.1.

9. Petitioner (s) is/are permitted to serve remaining respondent (s) by private mode of service, in addition to regular mode of service and shall file an affidavit of service by next date, failing which the petitioner (s) shall deposit costs of Rs.500/-(Rs. Five hundred) in the 'Public Welfare Account' bearing No. 129712010001014, IFSC Code No. UBIN0812978 with Union Bank of India, High Court Branch, Civil Lines, Nagpur.

10. Office objections, if any, shall be removed on or before next date.

11. In the meanwhile, the petitioner shall not be evicted from the tenanted premises without following due process of law.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Vijaykumar