

Order below Exh.5 in Reg. Civil Appeal No. 54/2026 :

(Mrs. Subbalaxmi Shamraj Pillay Vs. Estate Officer, Ahilyanagar Cantonment Board, Ahilyanagar).

Perused the application supported by affidavit Exh.6.
Perused the documents produced along with list Exh.3.

2. Being aggrieved with the order dated 2nd of March, 2026, passed under Sub-section (3) of Section 5A of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, the present appeal is filed under Section 9 of the said Act along with present application for stay, till disposal of an appeal.

3. Heard the learned advocate of the appellant. The learned advocate of the appellant has submitted that the earlier order passed by the Estate Officer was challenged before the Hon'ble High Court by filing Writ Petition. The Hon. High Court has set-aside the order passed by the Estate Officer on the ground that the order is not reasoned order and remanded the matter back to the Estate Officer with a direction to pass the reasoned order. It is submitted that after the order of the Hon. High Court, the Estate Officer without affording any opportunity of hearing, has passed the impugned order and therefore, the said order is to be stayed till hearing and final disposal of an appeal. He further submitted that on the basis of said order, the Estate Officer is likely to take coercive action, therefore, interim order may please be passed in the interest of justice.

4. Having taken into consideration the nature of proceeding and after going through the contents of the impugned order, it appears that no opportunity of hearing has been given to the appellant before passing the order and therefore, the impugned

order is to be stayed by granting ad-interim ex-parte stay, till the appearance of the respondent. Hence, the following order :

ORDER

- 1) Issue ad-interim ex-parte stay to the impugned order dated 02.03.2026, till the appearance of the Respondent.
- 2) Issue show-cause notice to the respondent as to why ad-interim stay order granted, shall not be confirmed till the final disposal of an appeal. Returnable on **17.03.2026**.

Date: 07.03.2025.

(S.B. Kachare)
Principal District Judge,
Ahmednagar.