

CNRNO.MHSI010008492024



Civil Appeal PPE No. 01/2024  
(Prakash Rasal V/s. D.C.MSRTC)

**Order below Exh. 5**  
**Dated 18-03-2025**

By this application, the appellant seeks stay to the execution of the order dtd. 29.08.2024, passed in Suit No.1/2023 by the Resident Deputy Collector and Competent Authority, Sindhudurg under the Bombay Government Premises (Eviction) Act, 1955, till the decision of the appeal.

2. The facts leading to the filing of the appeal are that, the respondent had filed Suit No.1/2023 for eviction and for recovery of rent and damages from the appellant, before the Resident Deputy Collector and Competent Authority, Sindhudurg (**for short, 'the Competent Authority'**) under the Bombay Government Premises (Eviction) Act, 1955 (**for short, 'the Eviction Act'**). The appellant appeared before the Competent Authority and submitted his written submissions. After considering the submissions of the respondent and the written submission of the appellant, the Competent Authority passed order on 28.08.2024, thereby directing the appellant to pay Rs.8,96,759/- towards rent, license and service charges. Aggrieved by the said order, the present appeal has been filed challenging the said order on various grounds mentioned in the memo of appeal.

3. Heard both sides.

4. It is seen that, the Competent Authority has only mentioned the submissions of the respondent and the written submissions of the

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appellant in the impugned order. After mentioning the submissions, directly the operative part of the order has been passed. The learned advocate for the appellant pointed out from the impugned order that, there is no application of mind and no Speaking Order has been passed. The learned advocate for the respondent could not deny the said aspect, as the order speaks for itself.

5. It prima-facie appears from the impugned order that the Competent Authority has not applied its mind and has not given any findings, as to how, it came to the conclusion that an amount of Rs.8,96,759/- is due from the appellant. The impugned order prima-facie does not show that the provisions of Section 5 of the Eviction Act and Rule 6 of the Bombay Government Premises (Eviction) Rules, 1960 (**For short, 'the Eviction Rules'**) has been considered, while assessing the damages or rent. Thus, the provisions of Section 5 of the Eviction Act and Rule 6 of the Eviction Rules, have totally been overlooked by the Competent Authority, while coming to the said conclusion. It is settled law that every judicial or quasi-judicial order are required to be passed by Speaking Order. Admittedly, the impugned order which is a quasi-judicial order, requires reasoning/Speaking Order, which is apparently not seen in the impugned order.

6. As a sequel to the above discussion, the appellant has made out, a prima-facie case for grant of interim protection, however, it is also to be noted that, the appellant has occupied the government premises for a substantial period and therefore, he will have to deposit considerable amount in the court, for the due performance of the order as may ultimately be binding upon him. I, therefore, pass the following order:-

**ORDER**

1. The execution of the Order dtd.29.08.2024, passed by the Resident Deputy Collector, Sindhudurg, in Suit No.1/2023 is stayed till the final decision of the appeal, subject to the appellant depositing Rs.1,00,000 /- within 15 days, for the due performance of the order as may ultimately be binding upon him.

2. Costs in cause.

Dt/- 18.03.2025

(H.B. Gaikwad)  
Principal District Judge,  
Sindhudurg-Oros.