

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.15077 OF 2025**

B. T. Bhadare (Deceased) Thru  
Subhash Jagannath Pansare and ors. ... Petitioners  
Versus  
The State of Maharashtra and ors. .... Respondents

**WITH  
INTERIM APPLICATION NO.1646 OF 2026  
IN  
WRIT PETITION NO.15077 OF 2025**

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Adv. Prafulla Shah a/w Adv. Gunjan Shah, for the petitioners.  
Mr. N. C. Walimbe, Addl.G.P. a/w Mr. S. P. Kamble, AGP, for the  
respondent-State.

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**CORAM : M. S. KARNIK &  
S. M. MODAK, JJ.**

**DATE : 26<sup>th</sup> MARCH, 2026**

**P.C. :**

1. Heard learned counsel for the parties.
2. This writ petition seeks the following substantive reliefs :-

“(a) Issue a Writ of Certiorari or any other appropriate Writ, Order, or Direction, quashing and setting aside the Coercive Notices dated 31.10.2025 and 03.11.2025 issued by the Respondent No 3, Tahsildar;

(b) Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction, restraining the Respondents, their

officers, servants, or agents from in any manner disturbing the peaceful, settled possession and occupation of the Petitioners over their respective Galas (Shops 1 to 14) situated at CTS. No.193, Shukravar Peth, Pune, or from taking any coercive action based on the said impugned Notices dated 31.10.2025 and 03.11.2025;

(c) Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction, directing the Respondent No.2 (Collector) to forthwith decide the Representation of the Petitioners in compliance with the earlier High Court Order.”

3. Briefly stated it is the case of the petitioners that the notice dated 3<sup>rd</sup> November 2025 asking the petitioners to vacate the suit structure is issued without any opportunity of hearing to the petitioners and without deciding the petitioners' representation. It is the further submission that the notices are being issued to dead persons and no notices are being issued to the legal heirs who are in occupation of the suit premises. The petitioners are aggrieved by the notice dated 3<sup>rd</sup> November 2025 issued by the Tahsildar, Pune to vacate the premises on or before 7<sup>th</sup> November 2025 stating that they shall be forcibly removed.

4. The petitioners contend to be small business owners who have been in lawful possession of their respective Galas (Shops) on C.T.S. No.931, Shukrawar Peth, Pune for over 60 years under valid

leasehold rights granted by the State Government. Mr. Shah submits that the petitioners possession and continuous payment of rent to the Tahsildar, Pune indicates that their possession is lawful and that the issuance of the eviction notice dated 3<sup>rd</sup> November 2025 without hearing the petitioners is illegal. Mr. Shah invited our attention to the lease deed dated 10<sup>th</sup> December 1964. Clause 3 of the said lease stipulates that the lessees shall vacate the site on one month's notice if it is required by the Government of the Poona Municipal Corporation during the lease period. Our attention is invited to the order dated 5<sup>th</sup> October 2011 passed by this Court in Writ Petition No.5680 of 2010 on the earlier occasion. The petitioners therein are permitted to file a fresh representation to the Collector, Pune for redressal of their grievance made in the petition. The representation was therefore made by the petitioners which is at page 189 of the paper-book. It is the submission of Mr. Shah that without taking any decision on the representation, the impugned order is issued calling upon the petitioners to vacate the suit premises.

5. We find some substance in the submissions of Mr. Shah.

Before the eviction notice is issued, no opportunity of hearing is given to the petitioners. In the facts and circumstances of this case when the petitioners claim on the basis of the lease and when it is their contention to be in occupation for 60 years, they should have been heard.

6. Learned Additional Government Pleader though opposed the petition on merits and maintained that there is no necessity of giving a notice as the petitioners have been protected sufficiently and the action of the Collector is in accordance with law, nonetheless, on instructions submitted that the Collector is willing to give 30 days notice to the petitioners.

7. We find that the following order will meet the ends of justice.

### **ORDER**

(i) The petitioners to appear before the Collector on 30<sup>th</sup> March 2026 at 11:00 a.m. This petition itself may be treated as the representation which may be decided within a period of 30 days and the Collector may pass fresh orders in accordance with law.

(ii) It is made clear that we have not made any observations on the merits of the respective contentions.

(iii) In case the order is adverse, the petitioners not to be evicted for a period of one week from the date of communication of the decision.

8. All contentions are kept open.

9. The writ petition is disposed of.

10. In view of the disposal of the writ petition, nothing survives for consideration in the interim application and the same stands disposed of.

**(S. M. MODAK, J.)**

**(M. S. KARNIK, J.)**