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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9247 OF 2016**

Mrs. Chhaya Kashinath Shinde ... Petitioner

vs.

The State of Maharashtra and Ors ... Respondents

Mr. Mahesh Kumar Deviprasad Tiwari for Petitioner

Mr. Vinod P. Sangvikar a/w. Mr. Shubham Sonawale for Respondent
No.4.

Mr. P.V. Nelson Rajan, AGP for the Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 9th DECEMBER 2025

ORDER:

1. Arguable points are raised. Hence, Rule.
2. Learned advocates appearing for the respective respondents waive notice.
3. In addition to the court notice, learned advocate for the petitioner to serve the remaining respondents, by private notice and file affidavit of service before the next date.
4. Rule on interim relief in terms of prayer clause(c) is made returnable after twelve weeks.

5. The main grievance of the petitioner is that without giving any show cause notice to her the proceedings were initiated under Section 3(e) of the Maharashtra Slum Areas(Improvement, Clearance and Redevelopment) Act, 1971 and the order of eviction was passed. Learned counsel for the petitioner submits that the Power of Attorney executed by the petitioner in favour of one Nitin Patel is produced on record. He submits that the Power of Attorney is executed only for the purpose of maintaining the premises with the specific condition in the Power of Attorney that no right, title and interest was transferred and even the Power of Attorney holder would not have any right to transfer or assign the premises. He therefore submits that the petitioner has not breached any of the conditions and the premises are still in the occupation of the petitioner.

6. I have perused the papers. Learned counsel for the petitioner is right in pointing out the relevant clauses of the Power of Attorney. Nothing is seen on the record to show that the show cause notice was served upon the petitioner before initiating the action of eviction. Hence, there will be ad-interim stay in terms of prayer clause (c) till further orders.

7. In addition to the court notice, the learned advocate for the

petitioner to serve respondent nos. 2 and 3, by private notice and file an affidavit of service before the next date.

8. Learned counsel for the petitioner is at liberty to file compilation of additional documents before the next date and serve copy of the same on the respondents.

(GAURI GODSE, J.)