



R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION (L) NO. 16555 OF 2023

Ravindra Pandurang Lad .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

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• Mr. Abhijit Patil for Petitioner
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 20, 2023

P.C.:

- 1.** Not on board. Mentioned. Taken on board.
- 2.** Heard Mr. Patil, learned Advocate for Petitioner.
- 3.** Present Writ Petition takes exception to the order dated 11.05.2012 passed in Appeal No. 826 of 2011 by the Administrator & Divisional Commissioner, Konkan Division, Mumbai. Though the order is of 2012 and the Petition is filed today, Mr. Patil would argue that necessity of moving the Court has arisen in view of the impugned notice dated 05.04.2023 (Exh. "T", Page No. 84 of the Petition) which has been issued by the Competent Authority, SRA, Mumbai. He would submit that reference in the notice is to Shri. Pandurang Babaji Lad, the father of Petitioner. He would submit that by virtue of the allotment letter dated 22.12.2003, the subject tenement B-203 was allotted to Shri. Pandurang Babaji Lad in the lottery. He has drawn my attention to Exh. "C" at page No. 41 of the Petition which is the



allotment order dated 22.12.2003 and the list appended thereto which bears the name of Shri. Pandurang Babaji Lad against Sr. 66 in respect of Flat No. B-203. He would submit that since 2003, the said flat has been in occupation of Pandurang Babaji Lad since Pandurang Babaji Lad expired in 2001. He would submit that though the Application for allotment was made by Pandurang Babaji Lad originally, he had predeceased the date of allotment. He would submit that legal heirs of Pandurang Babaji Lad since 2003 have been occupying the subject flat. Next he would submit that by virtue of the impugned notice, there is imminent danger of dispossession apprehended by the Petitioner due to direction contained in the penultimate paragraph of the impugned notice (at Page No.84 of the Petition) which calls upon the occupants of the subject flat to vacate the said flat within seven days from the date of receipt of the notice. Mr. Patil would submit that the impugned notice dated 05.04.2023 though was received in the month of April, till date no action has been taken by the Competent Authority under the said notice but the imminent threat of dispossession is apprehended. Hence, he seeks protection from the Court in the interregnum until the present Petition is heard. He would submit that the Petitioner approached him very recently and hence the Petition is moved in June 2023 though the Petition was filed in 2022.



4. An arguable case is made out for grant of ad-interim relief. It is directed that the Respondents / Competent Authority shall not take any coercive action against the Petitioner (son of Pandurang B. Lad) in respect of his occupation of Flat No. B-203 without the leave of this Court.

5. Issue notice to the Respondents. Humdast permitted.

6. In addition to Court's notice, Petitioner is directed to serve all Respondents by private service / notice and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

7. After receiving notice, Respondents are directed to file affidavit-in-reply within two weeks. Rejoinder if any shall be filed within one week thereafter. All parties shall exchange their respective pleadings.

8. Liberty to apply.

9. List the Petition on **14th July, 2023**.

[MILIND N. JADHAV, J.]