



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.835/2025

Sattar Jabbar Ali and anr. .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. F. R. Kashif, Advocate for petitioners.
Mrs. M. N.Naik, A.G.P. for respondent Nos.1 and 2.
Mr. A. P. Thakare, Advocate for respondent No.3.

CORAM : ANIL L. PANSARE, J.

DATE : JUNE 30, 2025

Heard.

2. Counsel for petitioner submits that on the basis of the impugned order, which has no concern with possession of disputed property, police authorities and the Assistant Commissioner, Department of Social Welfare, Yavatmal, have issued communications directing the petitioners to vacate the premises and the shop.

3. The order impugned has been passed by the appellate authority directing petitioner Nos.1 and 2 to pay Rs.5,000/- each total Rs.10,000/- to respondent No.3.

4. Thus, it appears that the impugned order is silent on handing over possession, though in operative paragraph 4 respondent No.3 is given liberty to approach the Sub Divisional Officer in the case if he is harassed physically or mentally by the petitioners. The said proceeding will be independent of the order, which is challenged in the present case.

5. It is, thus, necessary to clarify that if the application is moved by respondent No.3, in terms of operative clause 4 of the impugned order, it shall be treated as a separate proceeding. Eviction

proceedings, however, should not be initiated against the petitioners based only on the impugned order.

6. With the above clarification, the impugned order dated 12.02.2024 passed by Appellate Tribunal and District Magistrate, Yavatmal in Appeal Case No. 6/2013, is stayed till the next date subject, however, to the petitioners depositing arrears of maintenance within one week from today, failing which the order of stay shall stand vacated without further reference to the Court.

7. List in the week commencing from 21.07.2025.

8. At this stage, learned A.G.P submits that the proceedings of eviction appears to have been initiated in terms of complaint lodged by respondent No.3 on 10.06.2025. If that be so, the authorities shall proceed to take appropriate action in terms of provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which shall include, amongst others, the proceedings of eviction against the petitioners. In fact, the petitioner's counsel should have disclosed this fact. Having not disclosed the said fact, the petitioner shall show cause why costs should be not imposed for misleading the Court and why should the petition be not dismissed on this count alone.

(Anil L. Pansare, J.)