

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 758 of 1991

Shaikh Nizam Shaikh Dawood ..Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 873 of 1991

Hasan Yusuf HuseinPetitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 875 of 1991

K.H.Shrihari Vishwa Karma ..Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 876 of 1991

Shankar Pawar.. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 877 of 1991

K Amir Ahmed. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 879 of 1991

Ramesh T GujarPetitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 880 of 1991

Shaikh Nawab HuseinPetitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 882 of 1991
Abdul Haji Rehman ...Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 883 of 1991
Gitadevi H Rallan.. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 884 of 1991
Siraj Kasamali.. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 885 of 1991
Iftekharuddin Nasiruddin ...Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 886 of 1991
Sardar Kanwar Anand.. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 890 of 1991
M A Gani. ...Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 891 of 1991
Rammurat B Varma ...Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 892 of 1991

Dawood Ibrahim.. Petitioner
vs
The State of Mah and ors...Respondents

Writ with
Petition No. 893 of 1991

Kirti C Chhedda.. Petitioner
vs
The State of Mah and ors...Respondents

Writ Petition No. 894 of 1991

Hatimala Chindiwala....Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 895 of 1991
with C.A.No.2567 of 2004

Hasan Virji .. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 897 of 1991
with C.A.No.2568 of 2004

Jamil Malik.. Petitioner
vs
The State of Mah and ors...Respondents

Writ with
Petition No. 898 of 1991

Kadar Addu. Petitioner
vs
The State of Mah and ors...Respondents

Writ Petition No. 899 of 1991

Gulam Husein Abdul... Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 900 of 1991

Abubaker Siddiqui.....Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 901 of 1991
with C.A.No 2569 of 2004

Laxmichand Mulgi.....Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 902 of 1991

Abdul Rashid Abdul Rahim ..Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 903 of 1991

Dadasaheb Shinde.. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No.904 of 1991

Shiv Mohd Hasan. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 905 of 1991
with C.A.No,.2570 of 2004

Noorali Nanji. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 906 of 1991

Avadh Bihari Malik.. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 907 of 1991

Shaikh Usman. Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 908 of 1991

Bhavani Narayan Shetty...Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 909 of 1991

Malik Akram. Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 910 of 1991

Rasiklal C Chheda....Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No.911 of 1991

Pravin C Chheda.. Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No.912 of 1991

Yusuf Shaikhali.. Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 914 of 1991

Amirali V Dinani.. Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 915 of 1991

Ebrahim Mohamad.....Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 916 of 1991
Rajkisan C Sharma....Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1086 of 1991
Palsingh Girdharsingh by LRs..Petitioners
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1087 of 1991
Suresh Govind Jamsandekar ...Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1088 of 1991
with C.A.No.2571 of 2004
Palsingh Girdharsingh by LRs..Petitioners
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1089 of 1991
Savitribai Harischandra....Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1091 of 1991
with C.A No.2572 of 2004
Abdul Samad Abdul Sattar...Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1092 of 1991
with C.A.No.2573 of 2004
Abdul Samad Abdul Sattar...Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1093 of 1991
Suhas G Kamblil.. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1094 of 1991
with C.A.No.2574 of 2004
Mohamed Sharif Abdula..Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No.1095 of 1991
Suresh Govind Jamsandekar...Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No.1100 of 1991
with C.A No.2591 of 2004
Veerandevi Obhan and anr...Petitioners
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1101 of 1991
with C.A.No.2575 of 2004
Veerandevi Obhan and anr..Petitioners
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1156 of 1991
with C.A.No.2577 of 2004
Anwar Baul Shaikh.. Petitioner
vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1400 of 1991
with C.A.No.2578 of 2004
Gurumukh Singh Daa Singh..Petitioner
vs

The State of Mah and ors...Respondents

with
Writ Petition No. 1401 of 1991
with C.A.No.2579 of 2004

Sadashiv Ganpat Pungale...Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1402 of 1991

Baburao T Devekar ...Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1403 of 1991

Giansingh Kaharsingh....Petitioner

vs
The State of Mah and ors...Respondents

with
Writ Petition No. 1404 of 1991

Mrs Joginder Kaur Niranjansingh..Petitioner

vs
The State of Mah and ors...Respondents

Mr. D.S.Parikh with Ms Premila Shah for
petitioners in Writ Petition Nos.758, 873, 875,
876, 877, 879, 880, 882, 883, 884, 885, 886, 890,
891, 892, 893, 894, 895, 897, 898, 900, 900,901,
902, 903, 904, 905, 906,907, 908, 909, 910, 911,
912, 914, 915, 916, 1156, 1400, 1401, 1402, 1403,
and 1404 of 1991.

Mr. C.R.Sonawane AGP for State

Mr V T Walawalkar with Mr R A Revankar for
petitioners in Writ Petition Nos. 1087, 1088,
1089, 1091, 1092, 1093, 1094, 1095 of 1991

Ms S S Bhende GP for State

Mr K D Shah with Ms Shah for petitioners in Writ
Petition Nos 1100 of 1991 and 1101 of 1991

Mr. V.P.Malvankar AGP for State

CORAM: A.P.SHAH & S.C DHARMADHIKARI JJ.

Dated 29.10.2004

P.C:

1. These petitions under Articles 226 and 227 seek to challenge the common order passed by the Principal Judge, City Civil Court, Bombay dated 31.8.1990 in MA No. 178 of 1987 to MA No.244 of 1987 and M.A.No 9 of 1988. By the said order the learned Principal Judge has dismissed the appeals and confirmed the orders dated 26.11.1985 and 16.9.1987 passed by the Competent Authority under the provisions of the Bombay Government Premises (Eviction)Act, 1955. This matter has a chequered history. The petitioners are occupants of Plot Nos.1 to 10 situated at Nowroji Hill Road No. 9 and Maheshwari Road, Dongri, Mumbai. This property was acquired by the State Government sometime in 1945 for providing residential quarters to the police personnel in active service in Mumbai Police. It appears that the Government could not make budgetary provision and provide finance for construction of the buildings as proposed for housing the police and therefore the then government decided to give the property to private individuals on temporary basis. It appears that these individuals constructed structures on the

said property and same were sub let to various parties including present petitioners. It is the case of the petitioners that they are in occupation of the property since 1954.

2. It appears that first eviction proceedings were adopted in 1961 and second in the year 1977. Since the State Government could not get possession of the property eviction proceedings were again started in 1983. It may be mentioned that series of eviction proceedings were fought and contested at all stages from time to time. It appears that in the past Mis Appeals were filed in the City Civil Court against the order of the Competent Authority in eviction proceedings and the matters were carried upto High Court. Besides the proceedings under the Eviction Act, several suits were initiated by various occupants of the property in the City Civil Court for protecting possession and orders passed in such interlocutory applications were also carried upto High Court. In the third eviction proceedings which were initiated in 1983 order of eviction was passed by the Competent Authority. Being aggrieved the petitioners filed Misc Appeals before the Principal Judge, City Civil Court Bombay who dismissed the appeals by a common

order dated 31.8.1990.

3. The learned counsel appearing for the petitioners do not press various issues raised in the petitions. The learned counsel, however, contend that the petitioners are entitled to protection of Government Resolutions dated 11.7.2001 and 22.6.2004. It is contended that these G.Rs are issued by the State Government for protecting the occupants/ residents/non- residents of the zopadpattis by issuing photopasses to them. According to the learned counsel for the petitioners all the occupants of Plot Nos.1 to 10 are also protected by the aforesaid G.Rs. The issue as to whether the petitioners are entitled to the benefit and protection of the said GRs has to be decided by the Competent Authority viz the Collector of Mumbai. By consent of parties we direct the Collector to ascertain whether the petitioners or any of them are entitled to the protection of the said GRs dated 11.7.2001 and 22.6.2004. Till the Collector decides the entitlement of the petitioners and other occupants of Plot Nos.1 to 10, interim order dated 22.8.1991 passed by the Supreme Court shall continue to operate. In case the order of the Collector is

adverse to the petitioners it willnot be enforced for a period of 4 weeks from the date of communication of the order of the Collector to the petitioners' counsel.

All contentions on merit are left open to the parties.

Petitions are disposed of accordingly with no order as to costs.