

ITEM NO.27

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 103/2021

(Arising out of impugned final judgment and order dated 09-06-2020 in WP No. 1705/2019 passed by the High Court Of Judicature At Bombay)

MUKESH GOKAL &amp; ANR.

Petitioner(s)

VERSUS

THE BOARD OF TRUSTEES OF THE PORT OF MUMBAI &amp; ANR. Respondent(s)

IA No. 155455/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 335/2022 - INTERVENTION/IMPLEADMENT  
 IA No. 155448/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 166658/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 155445/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 155436/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 161189/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 155430/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 155477/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 155472/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 373/2022 - INTERVENTION/IMPLEADMENT  
 IA No. 155466/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 367/2022 - INTERVENTION/IMPLEADMENT  
 IA No. 155459/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 349/2022 - INTERVENTION/IMPLEADMENT  
 IA No. 166579/2021 - VACATING STAY)

WITH

SLP(C) No. 5222/2021 (IX)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 45556/2021

FOR VACATING STAY ON IA 40117/2022

IA No. 45556/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 40117/2022 - VACATING STAY)

SLP(C) No. 5256/2021 (IX)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 45886/2021

FOR VACATING STAY ON IA 40102/2022

IA No. 45886/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 40102/2022 - VACATING STAY)

SLP(C) No. 1691/2021 (IX)

(FOR ADMISSION and I.R.)

SLP(C) No. 3011/2021 (IX)  
 (FOR ADMISSION)  
 SLP(C) No. 2763/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 2958/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 2968/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 1681/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 1642/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 1729/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 1699/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 1623/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 2014/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 1992/2021 (IX)  
 (FOR ADMISSION)  
 SLP(C) No. 3027/2021 (IX)  
 (FOR ADMISSION and I.R.)  
 SLP(C) No. 54/2022 (IX)  
 (FOR ADMISSION)

Date : 25-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA  
 HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Sonam Sharma, Adv.  
 Mr. Rahul Gupta, AOR

Mr. C. U. Singh, Sr. Adv.  
 Mr. Ranjit Kumar, Sr. Adv.  
 Mr. Farid F. Karachiwala, AOR  
 Mr. Viren Asar, Adv.  
 Mrs. Sneha Parikh, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General  
 Mr. Jayant Bhushan, Sr. Adv.  
 Mr. Buddy.a.ranganadhan, Adv.  
 Ms. Aditya Shrama, Adv.  
 Mr. A. V. Rangam, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Heard all the learned senior counsel appearing for the respective petitioners as also the learned senior counsel for the respondent(s) and perused the order impugned herein.

In respect of the objections raised with regard to the jurisdiction of the Estate Officer Mr. P.K. Sinha to proceed further in the matter, the High Court after adverting to all aspects of the matter, had taken note that the name of the said Officer was indicated in the notification issued under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and has upheld the same. Hence, on taking note of the detailed consideration made by the High Court, we see no reason to interfere with the impugned order.

The learned senior counsel for the petitioners would however, contend that since, the Estate Officer concerned has been specifically nominated by the officer who had signed the vakalatnama on behalf of respondent(s), there could be a likelihood of bias against the petitioners. However, the actual bias is to be pleaded and proved. These aspects are to be established in an appropriate proceeding. The contentions, if any, to be urged in the appeal on that aspect, are left open to be urged.

Since, these petitions were pending consideration before this Court for sometime, and now the matters will have to be taken up by the Estate Officer, the Estate Officer shall proceed with the matters as expeditiously as possible.

Petitions are accordingly, disposed of along with the pending application(s), if any.

Applications seeking intervention shall also stand disposed of.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)  
ASSISTANT REGISTRAR