



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8901 OF 2022

NEELAM JAGMOHAN VOHRA AND ANOTHER

VERSUS

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
THROUGH ITS DIVISIONAL CONTROLLER MSRTC

...

Advocate for Petitioners : Mr. Chaudhari Deepak D.
Advocate for Respondent : Mr. Bhausaheb S. Deshmukh

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CORAM : ABHAY J. MANTRI, J.

DATE : 06th AUGUST, 2026

PER COURT :

1. The Petitioners assail the judgment and order dated 28.07.2022, passed by the learned Principal District Judge, Ahmednagar, (for short, '*the learned PDJ*') in Regular Civil Appeal no. 09/2021, whereby confirmed the order passed by the Competent Authority/ Resident Deputy Collector, Ahmednagar, (for short, the learned '*Competent Authority*') on 18.01.2021, in Eviction Case no. 02/2017, has been challenged in this Writ Petition.

2. Heard the learned Advocate for the Petitioners and Respondent / Maharashtra State Road Transport Corporation.

3. Factual matrix of the case is as under :

Admittedly, the premises in question are government premises. It is alleged that the premises/shop were given to them on a Leave and License Agreement basis and the said license was renewed till 15.03.2017. After 15.03.2017, it was not extended. Thus, after termination of the agreement, the Petitioners have no concern with it. Despite the termination of the Leave and License Agreement, Petitioners did not vacate the premises. Therefore, the Respondent has filed an Application before the Competent Authority for eviction of the same and the Competent Authority, after considering the material placed before him by order dated 18.01.2021, directed the Respondent to evict the Petitioners from the disputed premises.

4. Aggrieved by the same, the Petitioners have preferred Regular Civil Appeal before the learned P.D.J., Ahmednagar, who by judgment and order dated 28.07.2022 dismissed the Appeal and confirmed the order passed by the learned Competent Authority. Disgruntled by the same, they have preferred this Petition.

5. Learned Advocate for the Petitioners vehemently contended that the Respondent did not follow the procedure prescribed under the

Government Premises Act and, without assigning any reasons, filed the Application for eviction of the Petitioners, and the Competent Authority, without assigning any reasons, passed the order, and therefore, the order cannot be sustained in the eyes of law. To buttress his submissions, he has relied upon the order of this Court in *Suhas S/o. Vishwanath Kolapukar Versus Assistant Collector, Ahmednagar and another, reported in 2009 (2) Mh.L.J. 50*. Therefore, he urged that the Petition be allowed by setting aside the impugned order.

6. On the other hand, the learned Advocate for the Respondent submitted that the Leave and License contract was terminated on 15.03.2017. Therefore, the Petitioners have no authority to continue with the possession. The Petitioners are unauthorised occupants. It is further submitted that on 05.08.2016, the Petitioners replied to the Respondent that they would hand over the vacant possession of the Premises upon the expiry of the license period, but neither acted as per their undertaking to the Authority nor vacated the premises. Therefore, the order passed by the Authority as well as the learned Principal District Judge is just and proper and no interference is required.

7. Having heard the rival contentions of the parties and gone through the record, it appears that undisputedly the premises in question/shop are the Government property. The Leave and License

period had expired on 14.03.2017. Thereafter, on 29.03.2017, the Respondent issued notice to the Petitioners for vacating the said premises on or before 31.03.2017. Despite service of the said notice, they have not handed over possession.

8. As such, Respondent has filed the eviction proceeding against the Petitioners and issued the eviction notice to them. On that notice, the Petitioners have stated that they will hand over the vacant possession upon the expiry of the license period. After considering the material, the learned Competent Authority passed the order on 18.01.2021, observing that despite the termination of the Leave and License Agreement, the Petitioners have not handed over the government premises to the Respondent, and they are in unauthorised possession of the same and directed them to hand over the possession of the premises immediately. The finding recorded by the learned Competent Authority is sufficient to indicate that the Petitioners are in unauthorised possession of the premises and not entitled to continue with the same. Still, they did not hand over the same to the Respondent, and therefore, I do not find any illegality in the said findings.

9. In such an eventuality, and the facts that the Petitioners are not coming to the Court with clean hands and not following the law, I do not find substance in the contention of the learned Advocate for the

Petitioners that the learned Authority has not considered their say in the proceeding. In such circumstances, in my view, it is not necessary to deal with each and every aspect stated in the Petition. Still, *prima facie* it is the duty of the Petitioners to point out that they have the Government premises in authorized/legal possession, but they failed to demonstrate the same. On the contrary, it is apparent that they are in unauthorised possession of the premises. Therefore, I do not find substance in the contentions of the learned Advocate for the Petitioners that the finding recorded by the learned Competent Authority is illegal.

10. The learned Principal District Judge has considered the submissions of the learned Advocate for the Petitioners in detail and held that “*after expiry of the license period, in response to the Respondent’s eviction notice, the Petitioners replied that they would vacate the premises, but they did not vacate.*” Therefore, the Competent Authority has rightly passed the eviction order.

11. Apart from that, it is observed that “*the Petitioners’ main ground for renewal of the license is against the government policy not to continue the Zunka Bhakar Kendre, and therefore, held that the Petitioners failed to make out the ground to set aside the impugned order.*” I do not find any illegality and perversity in the impugned order to interfere with it in the writ jurisdiction.

12. Perused the judgment in the case of *Suhas S/o. Vishwanath Kolapukar* (supra), relied upon by the learned Advocate for the Petitioners, I would like to reproduce the facts of the said case as reproduced in paragraph no. 5 of the said petition, as under :

“5. The petitioners claim to be lessees of the premises owned by the Municipal Council Rahuri. The petitioners were given premises/shops on rent. The Municipal Council Rahuri issued notice to the petitioners calling upon them to vacate the subject premises. In the earlier round of litigation, in an order dated 10th August, 2007 passed in Writ Petition No. 4343 of 2007 this Court (Coram: R.M Savant, J.) recorded a statement made on behalf of the Municipal Council that they would withdraw notices issued to the petitioners and consequent to the withdrawal of the said notice the suits filed by the petitioners would be withdrawn by the present petitioners. On behalf of the Municipal Council a further statement was made before this Court that they would follow the procedure prescribed for eviction under the [Bombay Government Premises \(Eviction\) Act, 1955](#) by issuing notices to the present petitioners as provided under the said Act and thereafter the provisions of the said Act would be followed in the matter of hearing the petitioners and passing final orders under the said Act.”

13. Bare perusal of the said facts, it appears that the facts in the said case and in the present case are distinct, in the said case the Munciple Council did not follow the procedure prescribed for eviction under the [Bombay Government Premises \(Eviction\) Act, 1955](#) and

therefore On behalf of the Municipal Council a statement was made before the Court that they would follow the procedure prescribed for eviction under the [Bombay Government Premises \(Eviction\) Act, 1955](#), as such, what have been observed in the said judgment is hardly of any assistance to him in support of his contention. On the contrary, in my view, the Petitioners are not following the law nor vacating the Government Premises. Thereby, they did not come to the Court with clean hands, but are unauthorizedly occupying the Government premises for which they are not entitled, and therefore, in my view, the Petitioners are not entitled to any relief in the extraordinary jurisdiction of this Court.

14. That being so, **the petition being bereft of merits, stands dismissed with costs of Rs. 10,000/-.**

15. It is made clear that since 15.03.2017, the Petitioners are in unauthorised possession of the Government premises. The Respondent is entitled to recover the damages from them as quantified by the competent Court/Authority.

16. The Petitioners are further directed to vacate the premises immediately and hand over the possession of the said premises to the Respondent within a period of one week from today. Failing which, the Respondent is entitled to recover damages from them.

16. The Petitioners are directed to deposit the costs of Rs. 10,000/- (Rupees ten thousand) with the Respondent / Authority or before the learned Principal District Judge, on or before 07.09.2026.

(ABHAY J. MANTRI, J.)

SPC