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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO. 33840 OF 2015

Kanchan Prem Bahal

.. Petitioner

Vs.

Mr.Sarabjit Singh Goraya and others

.. Respondents

Mr.Aniket P. Ranade, Advocate for the Petitioner.

Mr.Ashutosh Gole, Advocate for Respondent No.1.

CORAM : R.G.KETKAR, J.

DATED : 17th DECEMBER, 2015

P.C. :

. Not on board. At the request of Mr.Ranade, taken up for admission.

2. By this Petition under Article 227 of the Constitution of India, petitioner has prayed for issue of writ of mandamus directing the authority under the Maharashtra Rent Control Act, 1999 (for short 'Act') restraining them from taking any coercive steps against the petitioner and for directing all parties to maintain status-quo pending the final disposal of the present Writ Petition.

3. Mr.Gole has raised preliminary objection of maintainability of this Petition. He submitted that son of the petitioner was licensee and respondent has initiated proceedings against son of the petitioner under Section 24 of the Act. By order dated 10/04/2015, the application made by the respondent No.1 was

allowed and son of the petitioner was directed to hand over possession of flat No. 702/ A & B, 7th floor, Polaris C.H.S.Ltd., Hiranandani Estate, Ghodbunder Road, Thane (W). Petitioner did not intervene before the Competent Authority. Aggrieved by this decision, petitioner's son preferred Revision Application under Section 44 of the Act before Additional Commissioner, Konkan Division, Konkan. By order dated 06/11/2015, Revision was dismissed. Even before the Commissioner, petitioner did not intervene in that proceedings. He, therefore, submitted that petitioner has no locus standi to maintain this Petition. That apart, under Panchanama dated 14/12/2015, respondent No.1 has already obtained possession of the suit property. The said panchanma is taken on record and marked 'X' for identification. Perusal of the Petition shows that petitioner has not challenged the orders passed by the Competent Authority as also the Additional Commissioner. That apart, there is no justification given by the petitioner for not intervening in the proceedings before the Competent Authority and the Commissioner.

4. I, therefore, find substance in the objection of Mr.Gole that petitioner has no locus to maintain this Petition. Mr.Ranade was not in a position to justify inaction of the petitioner in intervening before the Competent Authority and the Commissioner. He seeks permission to withdraw this Petition.

5. In view thereof, on the motion made by Mr.Ranade, Petition is allowed to be withdrawn and is dismissed as withdrawn. Order accordingly.

(R.G.KETKAR, J.)