

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2760 OF 2015

Premchand S/o Kasturchand Mutha .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shrikant T. Veer, Advocate for the Petitioner.

Mrs. M. A. Deshpande, A. G. P. for the Respondent No. 1.

Shri P. D. Suryawanshi, Advocate for Respondent Nos. 2 and 3.

Shri P. S. Chavan, Advocate for the Respondent No. 5.

CORAM : S. V. GANGAPURWALA

A. M. BADAR, JJ.

DATE : 08TH FEBRUARY, 2016.

PER COURT :

. Mr. Veer, the learned counsel for the petitioner submits that, the petitioner is running his business in the tenanted premises Municipal Council House No. 8-455 since the year 1987. The said premises is owned by the respondent No. 5. It is submitted that the license was renewed from time to time, however, subsequently the license is not renewed though the petitioner has approached the Licensing Authority. The petitioner has also filed the civil suit and has claimed injunction restraining the landlord from interfering in his possession. The learned counsel submits that, the Licensing Authority is not renewing the license only on the ground that the landlord has

objected. According to the learned counsel, the respondents be directed to renew the license of the petitioner in respect of insecticides, seeds and fertilizers.

2. Mr. Chavan, the learned counsel for the respondent No. 5 submits that, the rent agreement submitted by the petitioner is a forged document. For the same purpose the petitioner has also filed the criminal complaint which is pending. The learned counsel submits that, when the landlord has not given any no objection the petitioner is not entitled to carry on the business.

3. Mr. Suryawanshi, the learned counsel for the Licensing Authority submits that, as the no objection of the landlord is not brought by the petitioner, the respondent/authority has not renewed the license.

4. We have considered the submissions. Even the Appellate Authority vide order dated 05th May, 2014, has directed the petitioner to file an application before the Licensing Authority and the Licensing Authority would take decision and thereafter only the Appellate Authority can consider the matter.

5. None of the parties to the petition dispute that the petitioner is carrying on the business of insecticides, seeds and fertilizers under a valid license since 1987 and the said license was renewed from time to time. It is also not disputed that the

petitioner is a tenant. The learned counsel for respective parties also do not dispute that the Maharashtra Rent Act, applies to the said premises. In view of the above, the eviction can only be on the grounds enumerated in the Maharashtra Rent Act. The Licensing Authority is required to consider the said aspect also.

6. In light of the above, the Licensing Authority shall decide the application of the petitioner as directed by the Appellate Authority vide order dated 05.05.2014 (**Exh. I**) Page 147 expeditiously and preferably within a period of three (3) months from today, in accordance with law. The learned counsel for the petitioner undertakes to withdraw the Civil Suit No. 23 of 2014 immediately along with all the proceedings in the said suit. The order shall come into effect only after the petitioner files pursis of withdrawal of the said suit.

8. The writ petition is accordingly disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]