

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

WRIT PETITION NO. 3297 OF 2015

Shabbir Nawab Bagwan

..PETITIONER

VERSUS

Maharashtra State Road Transport
Corporation Ltd. and Others

..RESPONDENTS

....

Mr. N.C. Garud, Advocate for petitioner.

Mr. M.K. Goyanka, Advocate for Respondent No.1.

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CORAM : T.V. NALAWADE, J.

DATED : 16th DECEMBER, 2016

ORDER :

1. The petition is filed to challenge the order made by the District Judge, Ahmednagar in Regular Civil Appeal No. 274 of 2005. The appeal was filed to challenge the order of eviction by the competent authority under the provisions of Bombay Government Premises (Eviction) Act, 1955. Both sides are heard.

2. It appears that father of present petitioner was given license by Respondent No.1 – government corporation to run a canteen in the premises of M.S.R.T.C. The period of license was expired in 1993. There

was no renewal of the said license. Father of the petitioner died. Notice was given by the corporation and petitioner was asked to remove the articles and vacate the premises. After giving of notice, the matter came before the competent authority and as there was no renewal of license, the competent authority made order of eviction. These circumstances are considered by the District Court.

3. Learned Counsel for petitioner submitted that in view of direction given by this Court, the petitioner has paid amount of Rs.2,00,000/- as arrears of rent amount and requests for renewal of license. Only because some amount is deposited, this Court cannot grant or renew the license. The contentions of the petitioner is that his application is pending for renewal of license and this contention is not considered by the corporation. It is open to the corporation to decide as to whether license can be given or not. The Court cannot compel the authority. The amount is to be paid to the corporation to adjust towards compensation. Petition stands dismissed.

(T.V. NALAWADE, J.)

SSD