

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2383 OF 2017**

M/s Laxmi Trading Company, Ambajogai,
Tq.Ambajogai, District Beed.

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.S.S.Gangakhedkar, advocate for the petitioner
Mr.P.S.Patil, A.G.P. for Respondents No.1 & 2.
Mr.Y.K.Bobade, advocate for Respondent No.3.
Mr.P.S.Chavan, advocate for Respondent No.4.

**CORAM : R.M. BORDE AND
K.L. WADANE, JJ.
DATE : 21st April, 2017**

P.C. :

1 The petitioner is objecting to clause (4) of the operative order passed by the appellate authority i.e. Divisional Joint Director, Agriculture, Aurangabad, on 26.05.2016, whereunder permission for renewal of license is made conditional on petitioner's undertaking to shift the business premises at an alternate place.

2 The petitioner contends that there is civil litigation pending between him and the owner of the premises and he is entitled to continue his business in the rented premises until the competent Court directs his eviction. It is further contended that the petitioner shall not be compelled to secure no objection from the landlord since it would be difficult for him to secure such no objection in view of pendency of litigation between him and landlord. It is also contended that during the previous year also, license issued to the petitioner was renewed without

any insistence for no objection from his landlord.

3 It is a matter of fact that during previous year, the petitioner had given an undertaking to secure alternate premises and renewal of license was made conditional upon tendering of such an undertaking. The period prescribed under the undertaking has expired and the petitioner is desirous of continuing his business at the same location and insists upon renewal of license without tendering no objection from his landlord.

4 Considering the facts and circumstances of the case, request made by the petitioner can be considered subject to tendering an undertaking to shift the business at an alternate place. The petitioner has tendered an undertaking duly signed by him and he, who has also been identified by the advocate appearing for him. The undertaking is duly sworn before the Court Officer. The undertaking is taken on record and marked "X" for identification. The petitioner has requested to grant twelve months' period for shifting the premises in question and until then, it is requested to issue directions to Respondents No.2 and 3 to renew the license. The petitioner has undertaken to shift the existing business in the name and style as M/s Laxmi Trading Company, Ambajogai, to alternate premises. It is impressed upon the petitioner that at the end of twelve months' period, he shall have to vacate the rented premises and shall have to hand over vacant possession to the landlord.

5 On the instructions from the petitioner, who is present in the Court, learned Counsel for the petitioner, makes a statement that the petitioner would vacate the premises at the end of twelve months' period and will hand over peaceful vacant possession to the landlord. The oral undertaking of petitioner is accepted.

6 The petitioner shall vacate the rented premises at the end of

April 2018 and shall hand over peaceful vacant possession to the landlord. Petitioner undertakes not to induct any third party in possession and not to create encumbrance in respect of the rented premises and undertakes to keep the premises in habitable condition. In view of the undertaking given by the petitioner, Respondents No.2 and 3 are directed to renew license of the petitioner and permit him to carry out the existing business at the rented premises.

7 In view of the above, writ petition is disposed of.

(K.L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

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