

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5146 OF 2017

Satish Mhatre

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

None for the Petitioner.

Mr.P.G.Sawant , AGP for the Respondent/State.

Mr. Sameer Patil for the Respondent Nos.2 and 3.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JANUARY 09, 2018.**

P.C.

1. None present for the petitioner. Mr. Patil, learned Counsel makes a statement that he has instructions to appear on behalf of the respondent nos.2 and 3. He seeks leave to file Vakalatnama. He is granted liberty to file vakalatnama.

2. Heard learned AGP and the learned Counsel for the respondent nos.2 and 3. The petition is filed for following reliefs:

(a) Issue appropriate writ, order or direction, thereby

directing the Respondent No.1 and No.2 to decide the representation filed by the Petitioner dt. 16.8.2016 on its own merits.

(b) Issue appropriate writ, order or directions in like nature to direct the Respondent No.1 and 2 to take appropriate action thereby canceling the said agreement of lease dated 20/02/2007 in view of the documents produced on record by the petitioner to take appropriate action as per law;”

3. The lease deed dated 20th February, 2007 which is sought to be cancelled was executed by CIDCO and one Yadav Balu Patil i.e. respondent no.4. Clause (2) of the said agreement reveals that the said lease was for a period of 10 years i.e. from 1.10.2016 to 30.9.2016 i.e. for a period of 10 years. The lease period had already expired even before filing of the petition. The petition is misconceived and is hereby dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)