

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.1301 OF 2018
IN
WRIT PETITION NO.12254 OF 2017

Aquila Bashir Shaikh	]	Applicant
<u>IN THE MATTER BETWEEN:</u>		
Aquila Bashir Shaikh	]	Petitioner
Vs.		
Raju Laxman Pyaram	]	Respondent
		
Mr. Jaydeep Deo, for Applicant.		

CORAM : R.G. KETKAR, J.

DATE : 17TH OCTOBER, 2018.

P.C:

Heard Mr. Deo, learned Counsel for the applicant.

2. The petitioner has taken out this application for amending Writ Petition so as to add paragraphs 9 and 10 in the Petition. By paragraph 9 of the proposed amendment, the petitioner wants to add grounds challenging Constitution vires of Part (IV) of Schedule-I of the Maharashtra Rent Control Act, 1999 on the ground that Entry 3 of list I- Union List of seventh schedule of the Constitution of India provides that the Central/Union Government has authority to pass law to regulate the house accommodation (including the control of rents) in the Cantonment Areas. The State Legislature, therefore, has no power to enact any law regulating house accommodation (including the control of rents) in the Cantonment Areas. Reliance is also placed on the

decisions of the Apex Court in **Indu Bhushan Bose Vs. Rama Sundari Devi, (1969) 2 SCC 289** and **Brij Sunder Kapoor Vs. First Additional District Judge & Ors, (1989) 1 SCC 561**.

3. As the Petition is pending for admission, C.A is allowed in terms of prayer clause (a) with no order as to costs. Amendment shall be carried out in the main Petition within 2 weeks from today.

[R.G. KETKAR, J.]