

1. Heard learned counsel for the petitioner and learned counsel for the respondent no.1. It is stated that respondent no.2 is served by private service, however none appears for the respondent no.2.
2. Challenge in writ petition (st) no.35377 of 2017 is to an ad-interim order dated 16.11.2017 passed by the additional commissioner, Konkan Division, whereby on an application of respondent no.1 the order dated 27.10.2017 passed by the Competent Authority under section 24 of the Maharashtra Rent Control Act was stayed till the adjourned date of hearing i.e. upto 14.12.2017. It is informed that stay granted by the order has been extended and which continues till date.

The challenge in writ petition no.14254 of 2017 is to the order dated 21.11.2017 passed by the Competent Authority, Konkan Division, Mumbai in writ petition no.14254 of 2017, which is a one line order recording that the “application is rejected”. It is stated that this order is passed on an application as moved on behalf of the petitioner, whereby the petitioner had prayed for restoration of possession and payment of mean profit. Learned counsel for respondent no.1 states that when this order was passed, respondent no.1 was also not heard. It is also clear that there are no reasons set out in rejecting such application.

3. Considering the nature of the impugned order dated 16.11.2017 as passed by the Revisionary Authority it is clear that the revision as filed by the respondent no.1, itself is pending adjudication. Further the order dated 16.11.2017 is an ad-interim order which was to operate till the adjourned date. It is thus clear that parties would be heard by the Revisionary Authority on the said application and that it would be incumbent upon the Revisionary Authority to pass a reasoned order in deciding such application. Such course of action is yet to be undertaken.

4. As regards the impugned order as passed by the Competent Authority dated 21.11.2017 on the application of the petitioner for restoration of possession of the premises no reasons are set out in the

impugned order as also it appears that all the parties are not heard.

5. Considering the above circumstances, in my opinion, it is in the interest of justice that the parties are permitted to approach the respective authorities before whom the proceedings are pending to be heard on the applications in question as moved by the parties. The respective authorities shall hear all the parties on the merits of the said applications and pass appropriate orders in accordance with law.

6. Accordingly, the petitions are disposed of in terms of the following order:

ORDER

writ petition (st) no.35377 of 2017

(i) The Revisionary Authority is directed to hear all the parties on the application of the respondent no.1, for stay of the order dated 27.10.2017 passed by the Competent Authority and pass appropriate final orders on the said application in accordance with law.

(ii) In the meantime, till such application is decided, the ad-interim order dated 16.11.2017 shall continue to operate.

writ petition no.14254 of 2017

(iii) Impugned order dated 21.11.2017 passed by the Competent Authority on the application of the petitioner for

restoration of possession is quashed and set aside.

(iv) The Competent Authority is directed to hear all the parties on the application of the petitioner and pass a reasoned order on the said application in accordance with law.

7. The Revisionary Authority shall endeavour to decide the stay application of respondent no.1 as early as possible and preferably within a period of one month from today. Subject to the said orders which may be passed by Revisionary Authority, the Competent Authority shall endeavour to take up the application of the petitioner for restoration of possession of premises and shall decide the same within a period of one month from the date of the order passed by the Revisionary Authority.

(G.S. KULKARNI, J.)