

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2694 OF 2018

Deepak Dinanath Lotlikar .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr.Y.V.Divekar a/w Ms.Sayali Gharpure I/b Divekar & Co., for
the Petitioner.
Mr.Amit Shastri, AGP for State.
Mr.Mangesh D. Chavan I/b Ms.Prashansa Jain, for Respondent
No.4.

**CORAM : NARESH H. PATIL, CHIEF JUSTICE &
M.S.KARNIK, J.**

DATE : 10th DECEMBER, 2018

P.C. :

. The Petitioner is aggrieved by the communication dated 07/05/2018 issued by Tahsildar, Mumbai Metrorail Corporation Limited (for short 'MMCL'). The Petitioner claims to be tenant and in occupation of room No. 19 which is subject matter of dispute. According to him, rent receipt is in his name. Learned Counsel for the Petitioner submits that Respondent

No.4- mother of the Petitioner is falsely claiming tenancy in respect of the said premises and based on this false representation, Respondent No.3 – MMCL has cancelled the earlier agreement which was in Petitioner's favour and entered into another agreement with the Respondent No.4. Learned Counsel submits that the earlier agreement dated 04/04/2018 in favour of the Petitioner was cancelled without hearing the Petitioner and in breach of principles of natural justice. The Petitioner thus prayed for declaration that the earlier agreement dated 04/04/2018 is subsisting. He prays for quashing and setting aside agreement dated 22/05/2018 executed between Respondent No.3 & Respondent No.4.

2. This Petition thus raises following issues.

- a) Whether the Petitioner was tenant of the premises ;
- b) Whether he was residing in the premises ;
- c) Whether it is the mother of the Petitioner who is residing in the premises ;

d) Whether agreement entered into by the Petitioner with the MMCL or agreement entered into by Respondent No.4 with the MMLC is valid and to be relied upon.

3. Considering issues involved, we direct the Tahsildar, MMCL to hear the parties on the subject issues and then decide whether to recall communication made on 07/05/2018 or maintain the same. The Tahsildar shall pass a brief reasoned order.

4. It is made clear that we have not expressed any opinion of merits of the matter.

5. Writ Petition is disposed of with aforesaid direction.

(M.S.KARNIK, J.)

(CHIEF JUSTICE)