

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.1006 OF 2019

Shaikh Basheed ... Petitioner  
Vs.  
State of Maharashtra and another ... Respondents

Ms Gayatri Nayak i/b. Mr. Rajesh P. Khobragade for Petitioner.  
Mr. P. P. Pujari, AGP for Respondent No.1-State.  
Mr. Shaikh Mohd. Ibrahim i/b. Mr. Siddiquee Rizwan Alam for  
Respondent No.2.

**CORAM : R. G. KETKAR, J.**  
**DATE : MARCH 8, 2019**

**P.C. :**

Heard Ms Nayak, learned Counsel for the petitioner, Mr. Pujari, learned AGP for the respondent No.1-State and Mr. Shaikh, learned Counsel for the respondent No.2 at length.

2. The Petition was heard on 15.01.2019. In the order dated 15.01.2019, Ms Gayatri Nayak, upon telephonic instructions from the petitioner, stated that petitioner will deposit amount as per clause (iii) of the operative part of the order dated 07.04.2018 passed by the Competent Authority. After accepting that statement, ad-interim order in terms of prayer clause (c) was granted. It was made clear that if the amount is not deposited, interim order shall stand vacated without further reference to the Court. The matter was thereafter heard on 06.03.2019. In the order dated 06.03.2019, it was noted that petitioner has handed over possession of the suit premises to the respondent No.2 on 13.11.2018. The matter was kept today so as to enable Ms Nayak to take instructions as to within what time, petitioner will pay licence fee @ Rs.2,30,000/- per month from 10.06.2017 till 13.11.2018. As the condition imposed while granting ad-interim order is not complied with,

ad-interim order was vacated.

3. Ms Nayak states that petitioner is not ready and willing to pay the licence fee as ordered.

4. In view thereof as also having regard to the fact that petitioner has already handed over possession to the second respondent, no relief can be granted in the present Petition. Petition is dismissed reserving liberty to the second respondent to adopt appropriate proceedings for recovery of the licence fee. Order accordingly.

**(R. G. KETKAR, J.)**

*Minal Parab*