

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION [STAMP] NO.17547 OF 2019

Vijay Ramnagina Singh] Petitioner

Vs.

Varinder Singh Bharara & Ors.] Respondents

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Mr. V.K. Dubey, Advocate for the Petitioner.

Mr. Abhishek Patil, Advocate for Respondents No.1 and 2.

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CORAM : R.G. KETKAR, J.

DATE : 25th JUNE, 2019.

P.C.

Not on board. At the request of Mr. Dubey, taken up in the production board.

2. Heard Mr. Dubey, learned Counsel for the petitioner and Mr. Patil, learned Counsel for respondents No.1 and 2.

3. This Petition takes exception to the order dated 22nd May, 2018 passed by the Competent Authority (Rent Act) Konkan Division, Mumbai (for short 'Competent Authority') in Application No.3 of 2018 as also the order dated 26th September, 2018 passed by the Additional Commissioner, Konkan Division, Mumbai (for short 'Commissioner') in Revision Application No.436 of 2018.

4. Respondents No.1 and 2 herein had filed proceedings under section 24 of the Maharashtra Rent Control Act, 1999 (for short 'Act') against

respondent No.7 Gurmit Singh Gill for recovery of possession of Flat No.501, 5th Floor, Building No.5-A, Versova Heights Co-operative Housing Society Limited, New MHADA HIG Complex, Near Lokhandwala Circle, Versova, Andheri (West) Mumbai 400 053 (for short 'suit premises') on the ground that despite expiry of the licence period under the leave and licence agreement dated 29th June, 2017, respondent No.7 did not hand over possession. It appears that respondent No.7 did not file application for leave to defend. By order dated 22nd May, 2018, the Competent Authority allowed the application and directed respondent No.7 to hand over possession, among other directions.

5. Aggrieved by that decision, respondent No.7 filed Revision Application No.436 of 2018 before the Commissioner. By order dated 26th September, 2018, Commissioner dismissed the revision application.

6. The present Petition is instituted by Vijay Ramnagina Singh. It is common ground between the parties that the petitioner is not licensee. There is no leave and licence agreement executed between respondents No.1 and 2 and the petitioner. Section 24 (3) of the Act lays down that the Competent Authority shall not entertain any claim of whatever nature from any other person who is not a licensee according to the agreement of licence. As the petitioner is not licensee of respondents No.1 and 2 as per the agreement of licence, it is not possible to entertain this Petition.

7. In view thereof, Mr. Dubey seeks permission to withdraw the Petition with liberty to adopt appropriate proceedings.

8. Mr. Patil has tendered copy of the order dated 17th June, 2019 passed by this Court in C.A No.1355 of 2019 in Writ Petition No.14212 of 2018. By that order, this Court rejected the application filed by respondent

No.7. He submitted that respondents No.1 and 2 have filed proceedings for eviction of respondent No.7.

9. On the motion made by Mr. Dubey, Petition is allowed to be withdrawn and is dismissed as withdrawn. The petitioner is at liberty to adopt appropriate proceedings if permissible in law. All contentions of respondents No.1 and 2 in the proposed proceedings are kept open. Order accordingly.

[R.G. KETKAR, J.]