

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 423 OF 2021

Sanjay S/o Maroti Thakare -- Petitioner

Vs.

The Competent Authority, Maharashtra Rent -- Respondents
Control Act Court and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

None for the Petitioner

Mr. H.D. Dubey, AGP for Respondent No.1

Mr. P.N. Upadhaya, Advocate for Respondent Nos.2 & 3

CORAM : MANISH PITALE, J.

DATE : 23rd MARCH 2022

By this Writ Petition, the petitioner has challenged order dated 23/12/2020, passed by the Competent Authority under the Maharashtra Rent Control Act i.e. the respondent No.1, whereby a possession warrant was issued for execution of the order of eviction dated 02/03/2020.

2. This Court had issued notice on 22/01/2021, and interim stay to the impugned order was granted, in view of the general order passed at the Principal Seat by this Court, directing that

adverse orders may not be passed, considering the situation created by the Covid-19 pandemic.

3. Today, when the petition is called out, none has appeared on behalf of the petitioner.

4. Replies have been filed by the respondents, including respondent Nos. 2 and 3. Mr. P.N. Upadhyay, learned counsel has appeared on behalf of the respondent Nos.2 and 3, while Mr. Dubey, learned Assistant Government Pleader has appeared on behalf of respondent No.1.

5. A perusal of the replies filed on behalf of the respondents and the documents filed therewith shows that after the impugned order dated 23/12/2020, was passed by the respondent No.1, on 28/12/2020, the petitioner himself filed an affidavit before the respondent No.1, stating that in view of the warrants of possession issued by the respondent No.1, he would vacate the premises in question, but that he would do so by 18/01/2021, considering that his wife was unwell and that his daughters were undergoing schooling. It was also stated in that affidavit that the petitioner would pay the entire arrears of the rent till 30/12/2020.

6. Thereafter, the petitioner filed the present petition on 19/01/2021. He did not disclose the fact that he had filed such an affidavit dated 28/12/2020, before the respondent No.1. This

Court entertained the Writ Petition and granted stay because of the general order passed at the Principal Seat, in view of the situation created by the Covid-19 pandemic. In fact, one such order dated 09/12/2020, passed at the Principal Seat of this Court was placed on record.

7. It is an admitted position that as on today, there is no such general order passed at the Principal Seat operating for the benefit of the litigants and there is no direction, not to pass adverse orders or to give effect to the adverse orders. Since the only ground on which the Writ Petition appears to have been entertained and interim order was granted in favour of the petitioner no longer exists, this Court does not see any reason to show further indulgence to the petitioner.

8. As noted above, none has appeared on behalf of the petitioner. But, this Court has perused the material on record. It is evident that the order passed against the petitioner is dated 02/03/2020, which has attained finality. By the impugned order passed way back on 23/12/2020, the possession warrants were issued for execution of the order dated 02/03/2020. With the change in circumstances, there is no impediment for the execution of the order dated 02/03/2020.

9. In view of above, the Writ Petition is dismissed.

10. Needless to say, the interim order granted by this Court stands vacated.

JUDGE