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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17 OF 2023

Augadsingh s/o. Bhairusingh Parmar ...Petitioner
Versus
The Government of Maharashtra & Ors. ...Respondents

Mr. Samir Sarambalkar, for the Petitioner.

Mr. P. P. Pujari, AGP, for Respondent Nos.1 & 2.

Mr. Suhas S. Deokar, for Respondent No.3.

CORAM : MADHAV J. JAMDAR, J.

DATED : 7th JULY 2023

P.C. :

1. In the present Writ Petition filed under Article 227 of the Constitution of India, the relief sought is that the Respondent No.1 i.e. Government of Maharashtra and the Respondent No.2 i.e. Competent Authority (Rent Act), Kokan Division, Mumbai shall not take further steps in pursuance to notice dated 20th September 2022.
2. The Respondent No.3 filed case No.3 of 2017 before the Court of Competent Authority (Rent Act), Kokan Division, Mumbai and the

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said application filed under Section 24 of the Maharashtra Rent Control Act was allowed by order dated 10th August 2017. By the said order, present Petitioner has been directed to handover vacant and peaceful possession of the flat in question as well as he has been directed to pay to the Respondent No.3 double the rate of license fees i.e. Rs.26,000/- from the date of expiry of leave and license agreement i.e. 15th March 2016 till vacant possession of the said premises is given to the Applicant.

3. It is admitted position that on 23rd January 2018, vacant possession of the said premises has been delivered to the Respondent No.3. It is also admitted position that said order dated 10th August 2017 passed by the Competent Authority has been challenged before the Divisional Commissioner and the Divisional Commissioner has rejected the same. Both these orders were challenged in Writ Petition No.2121 of 2018 and this Court upheld the said order dated 10th August 2017 passed by the Competent Authority as well as order dated 30th December 2017 passed by the Divisional Commissioner.

4. The learned Single Judge while dismissing the Writ Petition No.2121 of 2018 has recorded that due amount from the Petitioner is

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Rs.5,74,000/- and amount of Rs.26,000/- be adjusted which the present Respondent No.3 was to pay to the Petitioner. It is admitted position that said order passed by the learned Single Judge in Writ Petition No.2121 of 2018 has attained finality. Therefore, there is no merit in the present case.

5. In any case, the Writ Petition challenging show cause notice need not be entertained. The Writ Petition is dismissed with no order as to costs.

[MADHAV J. JAMDAR, J.]