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wp 2552.24.odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2552 OF 2024

**SANTOSH MADANLAL LAHOTI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.**

...

Mr. P.R. Katneshwarkar h/f. Mr. A.P. Avhad, Advocate for petitioner
Mr. V.S. Badakh, AGP for respondent Nos. 1 and 2.
Mr. A.P. Bhandari, Advocate for respondent No.4

CORAM : S.G. CHAPALGAONKAR, J.

DATE :- 19TH JULY, 2024.

ORDER :-

1. The petitioner approached this Court assailing the order dated 29.2.2024 passed by learned Divisional Commissioner, Aurangabad in Appeal No. 2023/ Appeal No.2/SAPRABHANI/APPEAL/CR-225, by which, the prayer of the petitioner to condone the delay of 135 days caused in filing the appeal has been rejected.

2. After arguing for some time, learned advocate for the petitioner submits that petitioner may be granted time till 31.12.2024 to vacate the premises of the respondent No.4. The petitioner shall deposit the entire amount of arrears of licence fees. Consequently, Mr. Bhandari, learned advocate for respondent No.4 was called upon to take specific instructions on proposal of the petitioner. Today, the petitioner and respondent No.4 have submitted minutes of the proposed order, incorporating the terms and requested this Court to pass further order. The minutes of order are signed by respective parties and taken on

record by marking "Exhibit X" for the purpose of identification.

3. In view of the agreement of the parties, following order is passed :-

ORDER

- (i) The writ petition is dismissed;
- (ii) Impugned orders are confirmed;
- (iii) The petitioner shall occupy the the property till 31.12.2024, on furnishing an undertaking to this Court that the petitioner shall voluntarily vacate the property on or before 31.12.2024 and hand over vacant possession to the respondent No.4 without any hindrance.
- (iv) The petitioner shall also undertake to this Court that he shall pay the entire amount of arrears and shall continue to pay licence fees up to 31.12.2024. The petitioner shall be liable to pay the total amount of Rs. 8,70,000/- till 30.6.2024, after deducting the amount of Rs. 2,50,000/- already deposited by him before the authorities during the pendency of litigation and the amount of Rs. 54,500/- paid towards society charges.
- (v) As such, the petitioner shall pay the amount of Rs. 5,65,000/- towards arrears upto 30.6.2024. The petitioner shall immediately hand over the Demand Draft of Rs. 1,30,500/- drawn on Sundarlal Sawji Bank to respondent No.4 and also pay the balance amount of Rs. 4,35,000/- after adding Rs. 29,000/- towards licence fees for July, 2024 i.e. Total amount of Rs. 4,64,000/- on or before 31.7.2024 in the bank account of respondent No.4 at Saraswat Cooperative Bank Ltd., the details of which are already shared by the respondent No.4.
- (vi) The petitioner shall also undertake to continue to deposit an amount of Rs. 29,000/- p.m. during the period from August to December,

2024 on 5th day of every month.

(vii) In case of breach of undertaking, the petitioner shall be liable to be dealt with in accordance with law and the respondent No.4 shall also be at liberty to execute the impugned order and take up appropriate remedies, as permissible under law.

(viii) Writ petition stands disposed of in aforesaid terms.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-