

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15290 OF 2023
WITH
WRIT PETITION NO.15299 OF 2023

The Master Clock and Watch Works Pvt
Ltd. Throu. Its Director Nirmal Patel ... Petitioner

V/s.

State of Maharashtra The Competent
Authority Kokan Division by Housing
Dept And Anr. ... Respondents

Mr. Amogh Singh a/w. Mr. Santosh Pathak, Ms. Purva Naik a/w.
Mr. Kailash Pathat a/w Adv. Nillesh W, i/by Law Origin, Advocate
for the Petitioner.
Mrs. M. J. Kajle – AGP for State-Respondent No.1.
Mr. Nishant Vyas a.w Mr. parth Choudhary, Advocate for
Respondent No.2

CORAM : RAJESH S. PATIL, J.

DATED : 27 FEBRUARY 2024

PC.:

1. These two Writ Petitions challenges an order of rejection of eviction application filed under section 24 of the Maharashtra Rent Control Act. The Petitioner herein is admittedly the owner and licensor, of the suit premises.

2. It is submitted that an eviction application was filed during the pendency of the license period. The said eviction application

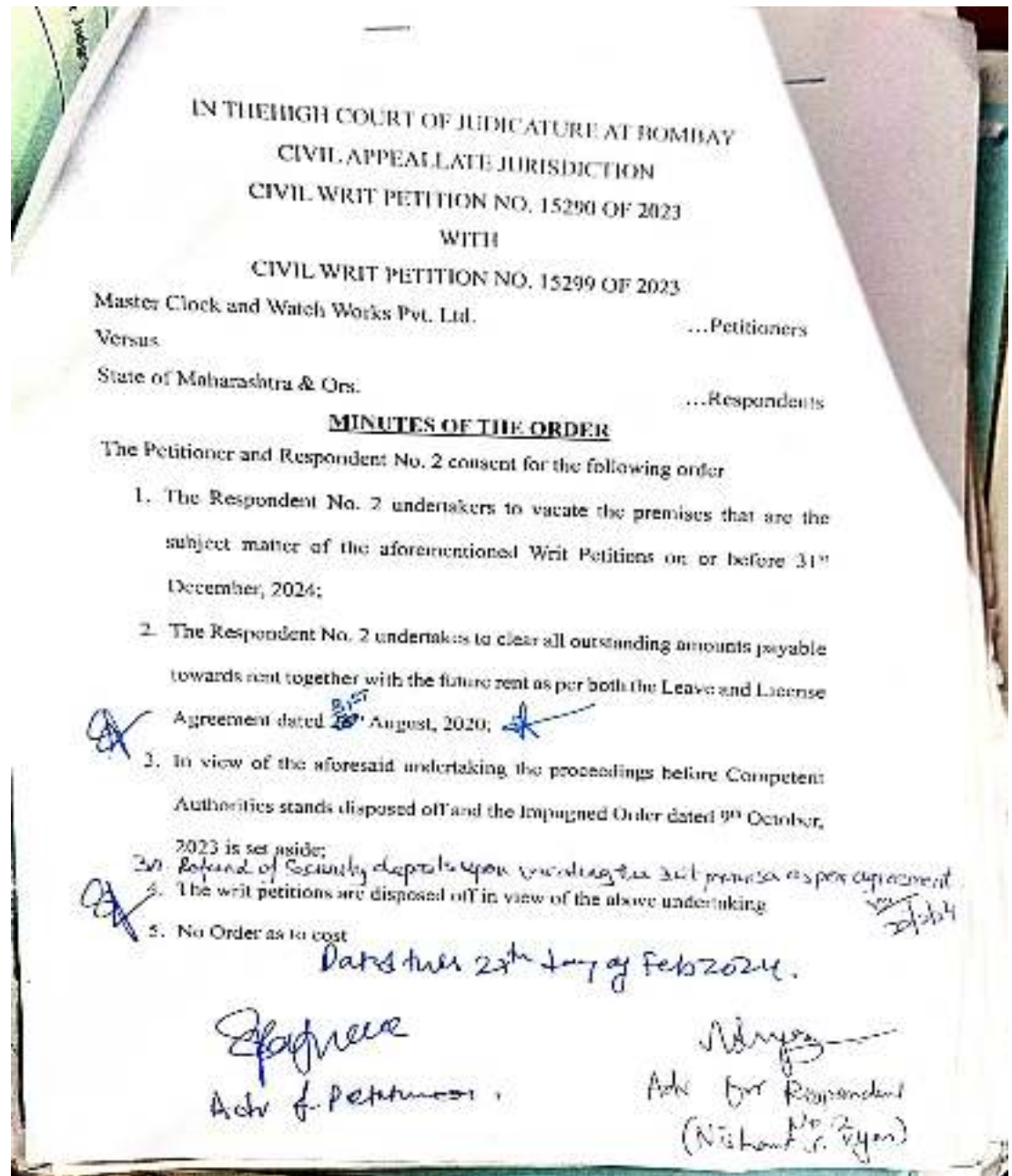
was rejected on the ground that the terms of the license period is not over.

3. The present Writ Petition is filed by the original owner / licensor challenging the Order dated 9 October 2023, passed by the Competent Authority.

4. The Petitioner had filed two eviction application, pertaining to four flats against the Respondent No.2. The Competent Authority held that the said eviction application are not maintainable since the application was filed when the license period was still in existence. The said order of the Competent Authority was carried in appeal by the Petitioner. The Appellate Authority (Additional Commissioner Konkan Division) remanded the matter back to the Competent Authority to decide the application on merit, and holding that the eviction application was maintainable. However, the Competent Authority again passed the impugned order thereby holding that the eviction application was not maintainable. Hence the Petitioners have directly filed these Writ Petition before this Court.

5. After the matter was argued for sometime, both the counsel agree that these Writ Petitions can be disposed of in terms of the minutes of the order.

6. The minutes of the order is reproduced hereinbelow:-



The Minutes of the order is taken on record and the Writ Petition is accordingly disposed of, in terms of Minutes of the Order.

7. The Respondent No.2 undertakes to this Court that the monthly compensation payable would be payable as per the terms and conditions to leave and license agreement, and the arrears of licence period within five working days. The undertaking as mentioned to this Court in the minutes of order is accepted. The undertaking given to this Court.

8. Both these Writ Petitions are accordingly disposed of.

(RAJESH S. PATIL, J.)