

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.146 OF 2024
IN
WRIT PETITION NO.10221 OF 2024**

Najmunnisa Mohammed Salim ShaikhPetitioner
V/S
Competent Authority
Konkan Division & Ors.Respondents

**WITH
WRIT PETITION NO.6980 OF 2024**

Rubina Mohammed Ali KhanPetitioner
V/S
Additional Divisional Commissioner
Konkan Division & Ors.Respondents

Mr. Parvez Kohir *for the Review Petitioner.*
Ms. Sulbha D. Chipade, AGP for Respondent Nos.1 and
2/State.
Mr. Arman Parve *for Respondent No.3.*

CORAM: SANDEEP V. MARNE, J.
DATE : 26 NOVEMBER 2024.

P.C.:

1. The Review Petition is filed seeking review of the order dated 25 June 2024 by which Writ Petition No.6980 of 2024 is allowed and while setting aside order dated 1 April 2024 passed

by the Additional Divisional Commissioner, Konkan Division, this Court has restored the order dated 10 October 2023 passed by the Competent Authority granting leave to defend. After hearing the learned counsel appearing for the Review Petitioner, this Court is unable to trace any error apparent on face of record in the order under review. In fact by order dated 25 June 2024 this Court has directed the Competent Authority to decide the eviction application within a period of four months.

2. The learned AGP would submit that copy of order dated 25 June 2024 has not been placed by the Review Petitioner before the Competent Authority till date. It however appears that the Petitioner in the Writ Petition has placed copy of order dated 25 June 2024 before the Competent Authority on 15 July 2024. Be that as it may. If the Review Petitioner was to co-operate with decision of the Eviction Application, the same could have been decided by now in view of order passed by this Court. It appears that on account of non-co-operation on the part of the Review Petitioner, the Eviction Application has not been decided despite direction by this Court to decide the same within a period of four months. Expeditious decision of the Eviction Application is in the interest of the Review Petitioner/Licensor. Instead of co-operating with the Competent Authority in expeditious decision of the Eviction Application, the Review Petitioner is unnecessarily whiling away time in seeking a review of the order dated 25 June 2024, which does not suffer from any error

apparent on face of record. Review Petition is accordingly **rejected**. However the time to decide the Eviction Application by the Competent Authority shall stand extended by a period of four months from today. The Competent Authority shall not be influenced by any of the observations made by this Court in any of its orders.

(SANDEEP V. MARNE, J.)