

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8395 OF 2024**

Mrs. Haque Sahnas Salim Khan

....Petitioner

V/s.

The Divisional Commissioner, Konkan
Division, Mumbai and Ors.

....Respondents

Mr. Suryajeet Chavan *a/w. Mr. Irfan A.A. Ansari, Mr. Vaibhav Shah and Mr. Abdul Kalam Ansari, for the Petitioner.*

Mr. B.B. Doiphode, *AGP for Respondent Nos.1 and 2-State.*

Mr. Bhushan Deshmukh, *for Respondent No.3.*

CORAM : SANDEEP V. MARNE, J.

Dated : 14 June 2024.

P.C. :

1) The challenge in the petition is the order dated 27 March 2024 passed by the Additional Divisional Commissioner, Konkan Division rejecting the prayer for stay to the order passed by the Competent Authority on 28 August 2023.

2) Admittedly, leave and license agreement was executed between the parties and the tenure of the license has expired. This is the reason why the Competent Authority has passed order dated 28 August 2023 for

eviction of the Petitioner. Petitioner apparently failed to appear before the Competent Authority despite receipt of summons.

3) Now in the Revision Application filed before the Additional Divisional Commissioner, Petitioner has come up with a case that she has become owner of the premises on the strength of agreement for sale allegedly executed in her favour on 2 November 2021. Perusal of the said agreement for sale would indicate that the same is unregistered and a claim is made that Rs.74,00,000/- out of agreed amount of consideration of Rs.75,00,000/- is paid in cash. On the strength of the said agreement, Petitioner has apparently lodged S.C. Suit No. 30 of 2024 before the City Civil Court for injunction *simplicitor* wherein Petitioner has prayed for restraining the Respondent from dispossessing her from the premises in question. Perusal of the prayers in S.C Suit No. 30 of 2024 would indicate that there is no prayer for declaration of ownership.

4) In my view, therefore no case is made out for staying the eviction order during the pendency of the Revision Application. The Additional Divisional Commissioner has rightly rejected the application for stay. The Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]

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