

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

WRIT PETITION NO.12774 OF 2024

R Subin Kumar

....Petitioner

V/S

D Prabhu (Deceased) & Ors.

....Respondents

Mr. Abhishek Ingale i/b Mr. Arsh Misra *for the Petitioner.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 11 SEPTEMBER 2024.**

P.C.:

1 The present Petition is filed challenging the order dated 5 October 2023 rejecting leave to defend as well as further order dated 18 March 2024 allowing the Eviction Application and directing the Petitioner to handover possession of the Application premises.

2 Petitioner had the remedy of filing revision before the Additional Divisional Commissioner against the order dated 18 March 2024. However it appears that such remedy is not exercised. Instead of exercising the remedy of revision under section 44 of the Maharashtra Rent Control Act, 1999, the present Petition is filed challenging the order of the Competent Authority on

the ground that the maximum permissible period of limitation has expired. In my view this cannot be a ground for entertaining a Petition challenging order passed by Competent Authority in absence of availing the alternate remedy of revision. Even otherwise there is no doubt to the position that the tenure of license has expired on 2 July 2021. Alleged expenditure incurred by the Petitioner for converting the premises into a Beauty Parlour cannot be a ground for holding on possession of premises license in respect of which has expired on 2 July 2021. The order passed by the Competent Authority otherwise does not suffer from any interference. Writ Petition is accordingly **rejected**.

(SANDEEP V. MARNE, J.)

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