

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13092 OF 2024

Zarna Kamlesh Mistry

... **Petitioner**

Versus

The State of Maharashtra Thr. G. P. And Ors.

... **Respondents**

Mr. Ashok M. Saraogi *for the Petitioner.*

Ms. Aloka Nadkarni, *AGP for Respondent No.1-State.*

Ms. Vishal Pattabiraman *(Through V.C.) a/w Mukesh Naynaik for the Respondent No.3.*

CORAM : SANDEEP V. MARNE, J.

DATE : 18 SEPTEMBER 2024.

P.C. :

1) The limited challenge in the present Petition is to the order dated 5 September 2024 passed by the Additional Divisional Commissioner by which Petitioner has been directed to pay 50% of arrears of license fees.

2) It appears that the Additional Divisional Commissioner has heard the application for stay and has closed the same for orders. However, instead of pronouncing the order on application for stay, the

Revisional Authority has imposed an erroneous condition of payment of 50% of arrears of license fees. As of now the application for stay is not even decided. For deciding that application, the Revisional Authority could not have directed any payment being made. It is not that the Revisional Authority refused to consider the application for stay. The authority has in fact heard both the sides on application for stay and has closed the same for orders. In that circumstances payment of 50% arrears of license fees cannot be a condition for pronouncement of order in that application.

3) In that view of the matter, the Revisional Authority shall proceed to pronounce the order on stay application forthwith and in any case within one week from today without insisting on condition for payment of 50% amount of arrears of license fees. Till the order on stay application is pronounced by the Revisional Authority, the eviction order be not executed.

4) With the above direction, the Writ Petition is disposed of.

[SANDEEP V. MARNE, J.]