IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.18000 OF 2024

Mahiboob Allibhai Bagwan ....Petitioner
V/S
Competent Authority & Ors. ....Respondents

Mr. Ashok Tajane a/w Mr. Sanket Dhawan *for the Petitioner.*

CORAM: SANDEEP V. MARNE, J.
DATE : 09 DECEMBER 2024.

P.C.:

1. Petitioner has invoked extraordinary jurisdiction of this Court under Article 227 of the Constitution of India for setting up a challenge to the order dated 27 November 2024 passed by the Additional Divisional Commissioner, Pune, rejecting the Application filed by him for condonation of delay in filing Revision against order dated 10 May 2024 passed by the Competent Authority under provisions of section 24 of the Maharashtra Rent Control Act, 1999 (**MRC Act**).

2. I have heard Mr. Tajane, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.

3. It appears that the Petitioner, whom Mr. Tajane describes as teacher, secured entry in to the suit premises by executing

Agreement dated 14 November 2018 for occupation of the premises on payment of license fees of Rs.4,500/- and the security deposit of Rs.20,000/- for a tenure of 11 months commencing from 14 November 2018. Far from vacating the suit premises after expiry of the tenure of the Agreement dated 14 November 2018, Petitioner was advised to institute Regular Civil Suit No.84 of 2021 in the Court of Civil Judge Junior Division, Akkalkot seeking an innocuous prayer for not disturbing his possession without following due process of law. This is how, the Petitioner, who secured entry into the suit premises through Agreement dated 14 November 2018 for tenure of 11 months, engaged the owner in a prolonged litigation before Civil Court by filing totally baseless suit. In that suit, an order of temporary injunction is granted in favour of the Petitioner by the Civil Court on 13 March 2023 restraining the Defendant from dispossessing him from the suit properties without adopting due process of law till final determination of the suit.

4. It appears that before passing of the temporary injunction order dated 13 March 2023 the Respondent had already filed Eviction Application under provisions of section 24 of the MRC Act before the Competent Authority on 18 May 2022. The order passed by the Competent Authority on 10 May 2024 indicates that the Petitioner was duly served with the notice as contemplated under section 43(2)(3) of the MRC Act. Perusal of the postal report would indicate that when the notice was sought

to be served, the same was refused by the Petitioner. In that view of the matter, I am not inclined to accept submission of Mr. Tajane that the Petitioner was not served with the notice of the proceedings initiated by the Respondent under section 24 of the MRC Act.

5. After the Competent Authority passed eviction order dated 10 May 2024 Petitioner continued with his incalcitrant attitude and refused to vacate the possession of the suit premises. He continued engaging the Respondent in further legal proceedings by filing Revision Application before the Additional Divisional Commissioner, Pune and sought condonation of delay in filing the Revision Application. The Revisional Authority has refused to condone the delay by order dated 27 November 2024.

6. In the present case, Petitioner secured entry into the house belonging to the Respondent by representing to the Respondent that he would vacate possession thereof within a period of 11 months from 14 November 2018. Instead of vacating possession of the suit premises after completion of tenure of the Agreement, Petitioner filed Regular Civil Suit No.84 of 2021 falsely contending therein that he is a protected tenant in respect of the suit premises. He deliberately approached Civil Court for seeking innocuous relief of not disturbing his possession without following due process of law. Though he had absolutely no right to remain in possession of the suit premises after expiry of the

Agreement dated 14 November 2018, the Civil Court was persuaded to pass an order of temporary injunction dated 13 March 2023. Though temporary injunction is granted in favour of the Petitioner by the Trial Court on 13 March 2023, the same did not prevent the Respondent from seeking a remedy provided under the law by invoking jurisdiction of the Competent Authority under section 24 of the MRC Act. In short, the order of temporary injunction passed by the Civil Court on 13 March 2023 did not preclude the Competent Authority from passing order under provisions of section 24 of the MRC Act.

7. Petitioner does not have a semblance of right to remain in possession of house belonging to the Respondent. The intention of the Petitioner appears to be more than apparent. He has already engaged the Respondent in multiple litigations instead of vacating the possession of the suit premises after expiry of the Agreement dated 14 November 2018. The Petitioner has abused the process of law not only before the Civil Court and Competent Authority but has continued his litigation sojourn by filing baseless Petition before this Court. Since jurisdiction of this Court under provisions of Article 227 of the Constitution of India is invoked, this Court cannot countenanced such baseless attempts on the part of the litigants to keep the house owners engaged in endless litigations and enjoy possession of the suit premises during interregnum. Conduct of Petitioner in abusing process of law warrants imposition of costs. However considering the fact that Petitioner is already made liable to pay to

Respondent damages at double the amount of license fees/rent, costs in the Petition are made easy. Writ Petition is devoid of any merits and the same is accordingly **dismissed.**

(SANDEEP V. MARNE, J.)

SUDARSHAN RAJALINGAM KATKAM
Digitally signed by SUDARSHAN RAJALINGAM KATKAM
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