

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.5876 OF 2025

Pooja Amar Baid

...Petitioner

Versus

Rekhadevi Manohar Lal Vasandani & Ors.

...Respondents

Mr. Shadab Jan a/w Mr. Sujit Lahoti, Ms. Tejasvi Kudtarkar, Mr. Aditya Sheth, Mr. Haaris Koradia i/b Sujit Lahoti & Associates, for the Petitioner.

Mr. Mehul Shah, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.

DATED: 30th APRIL 2025

P.C.:

1. The challenge in this Writ Petition is to the order dated 2nd April 2025 passed below Exhibit-10 in Eviction Application No.208 of 2024 by the Competent Authority, Rent Control Act, Konkan Division, Mumbai, by which Application seeking leave to defend filed by the Petitioner is allowed on the condition to hand over possession of the subject premises to the Respondents on 30th April 2025. The said order is passed in the peculiar facts and circumstances that the period of the registered leave and license agreement executed between the Respondents as licensors and the Petitioner as licensee is going to expire by the efflux of time on 30th April 2025.

2. It is the contention of Mr. Shah, learned Counsel appearing for the Respondents that as there is remedy of Revision before the Divisional Commissioner, the Writ Petition is not maintainable and in

any case be not entertained. However, it is the contention of the Petitioner that the Competent Authority has no jurisdiction to impose the condition of handing over possession while granting leave application. There is substance in the said contention raised by learned Counsel appearing for the Petitioner. Therefore, the Writ Petition is entertained.

3. However, it is required to be noted that the leave and license agreement is coming to an end by the efflux of time on 30th April 2025. As per the Explanation II to Section 24 of the *Maharashtra Rent Control Act, 1999* (“**MRC Act**”) an agreement of licence in writing shall be conclusive evidence of the fact stated therein.

4. Thus, in accordance with Sub-Section (2) of Section 24 of the MRC Act, in the interest of justice, the Petitioner is required to be directed to pay double the amount of leave and license charges, as the remedy of Writ Petition under Article 227 of the Constitution of India is discretionary and equitable. The learned Counsel appearing for the Petitioner took time to take instructions and thereafter submitted that the Petitioner is not willing to pay the said charges at double the rate.

5. It is required to be noted that the Writ Petition under Article 227 of the Constitution of India is discretionary and equitable remedy. In the facts and circumstances, no interference in the impugned Order is warranted.

6. At this stage, as this Court is not inclined to grant any relief to the Petitioner, the Petitioner seeks withdrawal of the Writ Petition. Accordingly, Writ Petition is allowed to be withdrawn and dismissed as such. Resultantly, order dated 2nd April 2025 passed below Exhibit-10 in Eviction Application No.208 of 2024 by the Competent Authority, Rent Control Act, Konkan Division, Mumbai is confirmed.

[MADHAV J. JAMDAR, J.]