

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

WRIT PETITION NO. 10578 OF 2025

Chintal Jay Mehta

...Petitioner

Versus

Competent Authority Rent Control Act
Court Konkan Division And Ors

...Respondents

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Mr. Aseem Naphade, a/w Divej Singh Rana i/by Chaitanya
Patel, for the Petitioner.

Mr. Rakesh Kumar a/w Vijendra Jabra, Shivkumar Mishra and
Samsaimim, i/b Vijendra Jabra, for Respondent No.2& 3.

Ms. Savina Crasto, AGP for State

CORAM: N. J. JAMADAR, J.

DATED: 8th AUGUST, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order passed by the Competent Authority under Section 24 of the Maharashtra Rent Control Act, 1999, ("the Rent Act, 1999"), whereby the Competent Authority has directed the eviction of the petitioner from the licensed premises.
3. The principal ground of challenge is that, the Competent Authority has no jurisdiction to pass an order of eviction against the petitioner, who is not the licensee. The agreement for

license was executed between the licensors (R2 and R3) and Mrs. Mrunal Mehta (R4), the mother-in-law of the petitioner.

4. Mr. Naphade, the learned Counsel for the petitioner, submitted that despite reckoning the fact that the petitioner is not the party to the agreement for leave and license, and refraining from directing the petitioner to pay compensation at double the rate of the license fee, the competent authority has passed the order of eviction of the petitioner alongwith respondent No.2 – the licensee.

5. Mr. Rakesh Kumar, the learned Counsel for the respondents – licensors, submits that the petitioner has an efficacious statutory remedy of preferring a revision against the order passed by the Competent Authority before the Divisional Commissioner under Section 24 of the Rent Act, 1999. It was submitted that, since the petitioner claims to be residing in the suit premises in the capacity of daughter-in-law of the licensee, no separate order of eviction against each member of the family of the licensee is warranted.

6. The question as to whether the Competent Authority could have passed an order against the petitioner, who is not the licensee, in view of the bar contained in Section 24(3) of the Rent Act, 1999, arises for consideration. This question ought to

be delved into by the Revisional Authority as whether the Tribunal at the first instance has exercised the jurisdiction not vested in it, is one of the parameters on which revisional jurisdiction can be exercised.

7. However, since the execution petition is filed before the Competent Authority for execution of the impugned order, the petitioner deserves a reasonable period to assail the order passed by the Competent Authority before the Revisional Authority and seek interim/ad-interim relief. Thus, to facilitate the petitioner to approach the Revisional Authority, the execution and operation of the impugned order deserves to be stayed for a period of six weeks from today.

8. The petition stands disposed with liberty to the petitioner to file a Revision Application before the Revisional Authority under Section 44 of the Act, 1999.

9. In the event, the petitioner files Revision Application within a period of one week from today, the Revisional Authority shall make an endeavour to hear and decide the revision as expeditiously as possible, and, preferably within a period of five weeks thereafter.

10. In any event, if the Revisional Authority is not in a position to decide the revision application finally, the application for ad-interim relief shall be positively decided by the Revisional Authority during the said period.

11. In the meanwhile, for a period of six weeks the execution and operation of the impugned order stands stayed.

12. The petition stands disposed.

13. All contentions of all the parties are kept open for consideration.

14. The time spent by the petitioner in prosecuting this petition shall be accounted for under Section 14 of the Limitation Act, in case the question of limitation arises.

[N. J. JAMADAR, J.]