



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3342 OF 2024

Subodh S/o Laxman Rai,
Aged about 60 years, Occ.-Business,
Rai Redios Service Center,
Ram Temple Road, Yavatmal,
R/o. Laxmi Nagar,
behind Salony Beauty Parlour,
Tq. and Dist. Yavatmal.

.... **PETITIONER**

// **VERSUS** //

- 1) Rajesh S/o Ganesh Laddha (Nagorwala)
Aged about 47 years, Occ.-Business,
R/o. G. R. Nagorwala, Sonar Line,
Main Road, Yavatmal,
Tq. and Dist. Yavatmal.
- 2) The Chief Officer,
Nagar Parishad, Yavatmal,
Tq. and Dist. Yavatmal.
- 3) The Tahasildar,
Tahasil Office, Yavatmal,
Tq. and Dist. Yavatmal.

.... **RESPONDENTS**

Mr. J. K. Matale, Advocate for Petitioner.
Mr. S. M. Bhangde, Advocate for Respondent No.1.
Mr. S. S. Bhalerao, Advocate for Respondent No.2.
Mr. H. D. Dubey, Assistant Government Pleader for
Respondent No.3.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 18th MARCH, 2025.

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith.
2. Heard finally with the consent of the learned counsel appearing for the parties.
3. It appears that the Petitioner have filed a suit bearing Small Cause Case No.7/2024 before the Small Cause Court, Yavatmal. The said suit is filed under Section 38 of the Specific Relief Act, 1963 for grant of injunction. There is an application (Exhibit-16) for grant of interim temporary injunction. The said suit is pending on the file of Small Cause Court, Yavatmal. This petition is filed by the petitioner to quash and set aside the order dated 31.05.2024, passed by respondent No.3 – Tahsildar, Yavatmal in Ra.Ma.No./1/Au.Adhi.1965, Section 329/2023-2024. By this order, the Tahsildar Yavatmal directed to Chief Officer of Nagar Parishad, Yavatmal to take possession of property which is in possession of respondent No.1 as the same is dilapidated condition and also take a necessary action for demolition of the same.
4. It is the contention of the petitioner that Tahsildar cannot pass such order unless the possession is obtained by due process of law. Learned Counsel for the respondent relied on the Notice dated 12.05.2023, issued to the vendor and tried to serve the respondent No.1 herein, the respondent No.1 refused to accept the same. Admittedly, structure is more than 95 years old as per the record and

residential part is already demolished. The only grievance of the petitioner is that even if possession is taken, his rights under Section 16(7) of the Maharashtra Rent Control Act, 1999 be protected. However, on perusal of Section 16(7) of the Maharashtra Rent Control Act, 1999, it is not applicable and only applicable is Clause – (k) of Section 16(1). As such, if the building is demolished as per the order of any Municipal Council or other Competent Authority, the occupant of the premises have no right to object for such demolition. However, the petitioner is at liberty to avail appropriate remedy available under the Maharashtra Rent Control Act, 1999 for protection of his tenancy rights.

5. The Writ Petition stands **dismissed** in the above terms. No order as to costs.

(SMT. M.S. JAWALKAR, J.)