

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 749 OF 2026

Ganga Sommanna Patil

...Petitioner

V/s.

Ferhiz Coover Bharucha and Anr.

...Respondent

Ms. Vijaylaxmi B. Khopade *for Petitioner.*

Mr. Anuj Shaha *for Respondent No. 1.*

Ms. V. R. Raje, *AGP for Respondent- State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 7 MARCH 2026.

P.C.:

1) The Petition challenges order dated 7 February 2025 passed by the Competent Authority, Rent Control Act Court, Pune as confirmed by the Additional Divisional Commissioner, Pune by order dated 14 November 2025.

2) I have heard the learned counsel appearing for the parties and have considered the submissions canvassed by them.

3) There is no dispute of the position that the Petitioner entered into the premises on the strength of a registered license Agreement dated 1 September 2012, tenure of which was only from 1 September 2012 to 31 August 2013. Petitioner in that sense does not have defense as such. The only point that is urged before me is that the Petitioner had handed over possession of premises to the Respondent and her re-entry into the premises could at the

highest be in capacity as a trespasser and that Competent Authority does not have jurisdiction to decide the issue of validity of trespass. It appears that the Eviction Application No. 57 of 2013 remained pending before the Competent Authority and parties apparently attempted to settle the disputes and towards that settlement, Petitioner was to hand back possession of the premises to the Respondent. However, before the settlement could be presented before the Authority, it appears that Petitioner re-entered the premises. In her cross-examination, she admitted that even after the re-entry, her the relationship with the Respondent was that of Licensor and Licensee.

4) The learned counsel appearing for the Petitioner is unable to indicate any authority under which Petitioner can continue to possess the premises. Considering the fact that the license has long since expired, so also the conduct of the Petitioner, this court is not inclined to exercise extraordinary jurisdiction under Article 227 of the Constitution of India. Petitioner must vacate the premises and cannot continue to remain therein endlessly. No interference is therefore warranted in the impugned order.

5) Writ Petition is accordingly **Rejected**.

[SANDEEP V. MARNE, J.]

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