



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4023 OF 2026

Nitin Yogesh Hajare

...Petitioner

V/s.

The Additional Divisional
Commissioner Konkan Division and
Anr.

...Respondents

Mrs. A. P. Madhuri with *Mr. Uday D. Kapse* for Petitioner.

Ms. Savina R. Crasto, AGP for Respondent-State.

Mr. Abhas Melwani with *Ms. Geeta Melwani* for Respondent No. 2.

CORAM: SANDEEP V. MARNE, J.

DATED: 27 MARCH 2026.

P.C.:

- 1) The Petition is filed for limited relief of stay on execution of Eviction order dated 3 October 2025 till decision of Revision by the Additional Divisional Commissioner, Konkan, Division.
- 2) I have heard the learned counsel appearing for the parties.
- 3) It is the case of the Petitioner that he is the nephew of Respondent No. 2, Mr. Rahul Sharad Desai. Petitioner claims to be a son of the Sister of Respondent No. 2.

4) It is the case of the Petitioner that he is occupying the suit premises since the year 2009 with permission of Respondent No. 2. It is thus the case of Petitioner that he is a permissive user and a gratuitous licensee in respect of the suit premises as against this, Respondent No. 2 contends that the Petitioner is inducted as a licensee in the premises on an oral license.

5) The learned counsel appearing for the Petitioner has taken me through the documents produced alongwith the Revision Application. She has contended that the Petitioner is in possession of voluminous documents to prove occupation of the suit premises since the year 2009. On the other hand it is the contention of Respondent No. 2 that the premises were granted of license to other licensee in the year 2017 which belies the contention of the Petitioner that she is in occupation of the premises in the year 2009.

6) This appears to be a serious dispute in respect of two aspects of (i) the date from which the premises are occupied by the Petitioner (ii) the nature of such occupation. According to Petitioner the occupation is since 2009 and in capacity as gratuitous licensee. Reliance is placed on several receipts issued by Co-operative Housing Society in support of contention that maintenance charges are paid by the Petitioner and his mother. This position is disputed by the Respondent No. 2.

7) In the light of the above position, jurisdiction of the Competent Authority to try and entertain proceedings under Section 24

of the Maharashtra Rent Control Act, 1999 is seriously under dispute. If it is ultimately proved that the Petitioner or his mother have been occupying the premises since the year 2009 and are gratuitous licensee, the Competent Authority's order dated 3 October 2025 would be rendered without jurisdiction and nullity. In that view of the matter, it would be appropriate that order dated 3 October 2025 is not executed till the Revision Application preferred by the Petitioner is decided.

8) I accordingly, proceed to pass the following order.

(i) Till the decision of Revision Application filed by the Petitioner before Additional Divisional Commissioner Konkan Division and for a period of four weeks thereafter, the eviction order dated 3 October 2025 passed by the Competent Authority shall not be implemented.

(ii) The Revisional Authority shall decided the Revision Application on its own merits.

9) All rights and contentions of the parties are expressly kept open to be agitated before the Revisional Authority.

10) With the above directions the Writ Petition is **disposed of**.

[SANDEEP V. MARNE, J.]