



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4555/2023

Rajesh Natthuji Rahate .Vs. Rajesh Ramchandra Admane and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. S. Kalangiware, Advocate for petitioner.
Mr. D. V. Sapkal, Advocate for respondent No.1.
Mr. H. D. Dube, A.G.P. for respondent Nos. 3 and 4.

CORAM : ANIL L. PANSARE, J.

DATE : 07.08.2024

Heard.

2. According to the petitioner, respondent No.1 claims himself to be landlord and respondent No.2 is licensee. Respondent Nos.1 and 2 entered into agreement of leave and license. Respondent No.1 approached competent authority under Section 24 of the Maharashtra Rent Control Act, 1999, on the ground that leave and license has lapsed and was not renewed and, therefore, respondent No.2 should be evicted and possession be handed over to respondent No.1.

3. The competent authority i.e. Deputy Commissioner passed an order on 10.03.2015, in favour of respondent No.1

4. The petitioner, who was not party before the competent authority but who claims to be in possession of disputed premises, approached the revisional authority i.e. Additional Commissioner under Section 44 of the Act of 1999 by filing application on 25.01.2016. The revisional authority has rejected the revision on the count that the petitioner did not

approach the revisional authority within 90 days of the date of passing of the order. The revisional authority has taken aid of the second proviso to Section 44 (2) of the Act of 1999, which provides that no power of revision at the instance of person aggrieved shall be exercised unless an application is presented within 90 days of the date of order sought to be reviewed.

5. Counsel for the petitioner, by relying upon judgment of the Apex Court in *Raja Harish Chandra Raj Singh .Vs. Deputy Land Acquisition Officer and another, AIR 1961 SC 1500 (1)*, contends that the knowledge of party affected by order being an essential requirement of fairplay and natural justice, the expression, “the date of the award” used in the proviso must mean the date when the order is either communicated to the party or is known by him either actually or constructively.

6. Issue notice before admission to the respondents, returnable in the week commencing from 26.08.2024.

7. Ms D. V. Sapkal, learned counsel waives service of notice for respondent No.1 and Mr. H. D. Dube, learned A.G.P. waives service of notice for respondent Nos. 3 and 4.

8. Till next date, there shall be interim relief in terms of Clause (ii) of the petition.

(Anil L. Pansare, J.)