# Legal Case Summary

\*\*Case Title:\*\* Baitulla Ismail Shaikh & Anr vs Khatija Ismail Panhalkar & Ors

\*\*Court:\*\* Supreme Court of India

\*\*Date of Judgment:\*\* 30 January 2024

\*\*Bench:\*\* Aniruddha Bose, Bela M. Trivedi

\*\*Citation:\*\* 2024 INSC 71

## Background:

The case involved appeals by landlords Baitulla Ismail Shaikh and another against tenants, challenging a Bombay High Court decision that reversed eviction decrees issued by the lower courts. The dispute was over premises in Mahabaleshwar, where demolition notices were issued by the municipal council. The appellants claimed the property was old and dangerous, and required for bona fide use and redevelopment.

## Key Legal Issues:

1. Whether the eviction under the Maharashtra Rent Control Act, 1999 was justified on grounds of:

- Rent default

- Unauthorized construction and subletting

- Bona fide requirement and planned demolition

2. Whether demolition notice by the municipality satisfied legal grounds for eviction under Section 16 of the Act.

3. Whether the courts properly considered conditions under Sections 15 and 16, especially Section 16(1)(k) on demolition.

## Court Findings:

- The High Court found that the landlords failed to satisfy statutory conditions under Section 16(1)(g) and (k).  
- The eviction orders were based on assumptions without properly evaluating comparative hardship or immediacy of demolition.  
- The municipal demolition notice did not specifically pertain to the tenants’ portion.  
- Evidence showed landlords may have attempted to weaken the building to force eviction.

## Final Judgment:

The Supreme Court upheld the High Court’s decision and dismissed the appeals by the landlords. It ruled that the mandatory legal requirements for eviction under the Maharashtra Rent Control Act were not met. The demolition notice and landlord’s claimed need were insufficient without proper court satisfaction on key statutory points.