

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 6403 OF 2016

- 1 Amol s/o Himmantrao Patil
age 35 years, occ. Business
r/o Rammandir Chowk, Parola
Dist. Jalgaon
- 2 Raju s/o Onkar Bhoi
age 42 years, occ. Small business
r/o Amalner Road,
Parola, Dist. Jalgaon
- 3 Shubham s/o Sunil Vishpute
age 27 years, occ. Business
r/o c/o Milind Vishpute
Kotar Galli, Parola, Dist. Jalgaon

.. PETITIONERS

VERSUS

- 1 The State of Maharashtra
- 2 The Hon'ble Minister
Urban Development Department,
Mantralaya, Mumbai 32.
- 3 The Municipal Council, Parola
Tq. Parola, Dist. Jalgaon
Through its Chief Officer

.. RESPONDENTS

Mr. B.R. Waramaa, advocate for petitioners.
Mr. A.R. Kale, AGP for the State.
Mr. P.B. Patil, advocate for respondent no. 3.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 10th AUGUST, 2016.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective

parties.

3. Auction proceeding in respect of allotment of shops constructed by the Municipal Council on lease basis has been stalled by virtue of stay order issued by the State Minister for Urban Development on 21.10.2015. The State Minister appears to have intervened on the basis of complaint tendered by Member of the Parliament. The Member of Parliament has made complaint about irregularities in conducting the auction proceedings. It is also contended that there is likelihood of sustaining financial loss by the Municipal Council. In spite of issuing order of stay in the year 2015, nothing has been done by the Hon'ble Minister in the matter thereafter. We do not find any justification for stalling the auction proceeding initiated by respondent no. 3 – Municipal Council. If at all, after conducting auction proceeding any irregularities or illegalities are noticed, it would be open for the concerned parties to raise challenge after conclusion of such proceeding.

4. With liberty as aforesaid, writ petition deserves to be allowed and the same is accordingly allowed. Impugned order passed on 21.10.2015 staying auction proceeding stands quashed and set aside. It would be open for the Municipal Council to conclude the auction proceeding. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(K. L. WADANE)
JUDGE

dyb

(R. M. BORDE)
JUDGE