IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 9801 OF 2013

MADHURI DINESH BAWANKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr. Y.B. Bolkar
AGP for Respondents: Mr.S.B. Pulkundwar.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 17th JUNE , 2016.

PER COURT:

1] Mr. Bolkar, learned counsel for the petitioner submits that the petitioner was allotted the area admeasuring 120 Sq. Feet situated at N-3 CIDCO, to run a Zunka-Bhakar Kendra in the year 1996. Respondent No.6 had given permission to construct the said are for running the Zunka Bhakar Kendra. Even rent of Rs. 11 was fixed. In the year 1998, the petitioner was also granted permission by the respondent No.5 to keep other breakfast items. Thereafter, in the year 1999, the petitioner was further granted permission by respondent No.5 to keep the milk products as well as Mafco products at the said Kendra. Even the certificate of registratin was obtained in the year 2013. The respondent No.4 passed a resolution on 15.12.2006 thereby resolving to continue the said Zunka-Bhakar Kendra. Learned counsel for the petitioner submits that there was not a single complaint against the petitioner while running the said Zunka Bhakar Kendra. The respondents, without any notice and without any intimation on 10.9.2000, came with heavy machinery and demolished the construction of the petitioner where the petitioner was running Zunka Bhakar Kendra and thereby caused damage to the property of the petitioner worth Rs. 1.50 Lakhs. The petitioner also approached the authority but no cognizance was taken of his complaint. Counsel for petitioner submits that the respondents

be directed to consider the representation made by the petitioner.

2] Mr. Pulkundwar, learned AGP submits that the Government has now in the year 2007 taken a decision to close down all the Zunka Bhakar Kendras and said land be taken in possession. Now, the land, where the petitioner was running Zunka Bhakar Kendra is taken in possession by respondents and a compound wall is also constructed.

3] We have considered the submissions canvassed by the learned counsel for the respective parties. We could have considered the submission of the petitioner had the said scheme been in vogue. The said scheme itself is not in vogue. The possession is also taken over by the respondents. Case of the petitioner, therefore, certainly cannot be considered.

4] Considering the above, the relief claimed cannot be granted. Writ petition is accordingly disposed of. In the light of that, the prayer of the petitioner seeking direction to decide the presentation will not serve any purpose.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-