

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

WRIT PETITION NO. 12501 OF 2015

Sanjay Avinash Patil

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

Shri V. P. Latange, Advocate for the Petitioner.

Shri V. H. Dighe, A. G. P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 12TH JANUARY, 2016.

PER COURT :-

1. Mr. Latange, the learned counsel submits that, the petitioner had bid at the auction conducted on 14.07.2015 for allotment of No. MH-16-BN-1616. The petitioner was declared highest successful bidder for Rs. 8,000/-. Only formality of allotting the said number to the petitioner on papers remained. However, subsequently to the surprise of petitioner it was found that the respondent No. 5 is allotted the said number and subsequently fresh auction is said to have been conducted for the said number on 17.07.2015. The learned counsel submits that, the same was behind the back of the petitioner. The petitioner was never intimated about cancellation of the auction held on 14.07.2015, so also, was not intimated about the fresh auction being conducted on 17.07.2015. It is only subsequently upon inquiry the petitioner got the said knowledge. The learned counsel submits that, respondents have not maintained the transparency in allotment of the said number as the petitioner was declared the highest bidder in an auction for the allotment of No. 1616. The respondents / Authorities be directed to allot the

said number to the petitioner. The learned counsel submits in alternate that in different series at least the petitioner be allotted No. 1616.

2. The learned A. G. P. submits that, the fresh auction was held on 17.07.2015 and the number was allotted to the respondent No. 5. The petition is filed after lapse of 5 months that too after the petitioner had encashed the demand draft which was sent by the respondent. The learned counsel submits that the bidding was in the name of Avinash Sanjay Patil. The petition is filed by Mr. Sanjay Avinash Patil.

3. The petition is filed after lapse of 5 months of the allotment of the No. 1616 to the respondent No. 5. Now it would be irreversible to allot the same number to the petitioner. We are not inclined to consider the writ petition on the count that the petitioner has accepted the demand draft which is returned by the respondent and the petitioner as is submitted has withdrawn / encashed the demand draft. After encashing the demand draft the present petition is filed. In light of the fact that, the demand draft returned to the petitioner is encashed by the petitioner, the petitioner subsequently thereto would not be entitled to raise the grievance.

4. Writ petition as such is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]