

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 169 OF 2015

Tofik Rafik Shaikh	.. Petitioner
V/s	
State of Maharashtra & Anr.	.. Respondents

The petitioner in person.
Mr. P.P. Kakade, A.G.P. for the respondent State.
Mr. Niranjana P. with Mr. D.G. Dhanure for respondent no.2.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 17th NOVEMBER 2016

P.C.:

The main contest in the PIL is with regard to the tender notices dated 7th January 2015 and 19th January 2015 contending that they are arbitrary and unconstitutional as void ab initio. When we asked the petitioner whether the cause still survives, he says that no proceedings were taken in pursuance of the tender notices dated 7th January 2015 and 19th January 2015 and the matter is still kept pending without taking any action for allotment of the shops. The petitioner also contends that there are unauthorised occupants in these shops to be tendered for allotment and without evicting them no tender process can proceed further.

2. We note from the record that the present PIL is not sustainable since the tender notices in question are elapsed and without impleading the unauthorised persons said to be in occupation of the shops as parties to the proceedings, we will not be able to do justice even if the cause raised by the petitioner is genuine.

3. In these circumstances, we dispose of the PIL reserving liberty to the petitioner to approach with fresh petition in accordance with the procedure contemplated in the Rules for filing public interest litigation in person if an occasion arises in future.

(M.S. SONAK, J.)

CHIEF JUSTICE