

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 85 OF 2014

(Prashant s/o Narayanrao Kimmatkar vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri R. Vyas, Advocate for petitioner.

Shri A.S. Fulzele, Additional Government Pleader for
respondent nos.1, 5 and 6.

Shri S.G. Jagtap, Advocate for respondent nos.2
and 3.

Shri A.S. Jaiswal, Senior Advocate with Shri Kothari,
Advocate for respondent no.4.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 3, 2016

Heard for some time.

In view of specific Clause dealing with
duration of contract contained in agreement dated
12/10/1992, there could not have been negotiation
only with respondent no.4. Opportunity should have
been given to all aspirants and then respondent no.4
could have been given chance to match the highest
offer. That was not done and respondent nos.2 and 3
have continued to negotiate only with respondent
no.4 and given extensions on the pretext that initial
advertised tenure offered was of 30 years.

After that initial advertisement,

difficulties faced by respondent nos. 2 and 3 forced them to cut down tenure to five years and accordingly respondent no.4 has accepted that tenure. As such, initial stipulation of 30 years has been rendered irrelevant. Last renewal has been granted in 2008 and period was upto 5/11/2013. Thereafter no further steps have been taken.

The respondent nos.2 and 3 have also demonstrated that Forest Department is claiming land as belonging to itself. This issue is hardly relevant in the present matter. When Government property is offered on lease by respondent nos.2 and 3 and contract has been entered into with them, they were duty-bound and are duty-bound to see that Government/respondent nos.2 and 3 get best possible returns therefor.

In this situation, we direct respondent nos.2 and 3 to proceed to advertise the resort within a period of eight weeks from today and to offer it to highest bidder on best possible terms subject to right of respondent no.4 to match that offer and to claim the resort. With these directions, we dispose of public interest litigation. No costs.

JUDGE

JUDGE

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CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

Uploaded by :

Kamal H. Jeswani
Private Secretary

Uploaded on :

04/08/2016