IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 7834 OF 2017

DR RADHAKRISHNA SEVABHAVI SANSTHA UDGIR THROUGH ITS SECRETARY B K ANANTWAL
VERSUS
THE MUNICIPAL COUNCIL THROUGH ITS CHIEF OFFICER LATURAND ANOTHER
...
Advocate for Petitioner : Mr. P.B . Patil h/f. Gitte Mukund D.
...

CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 15.06.2017.

P.C. :-

. The petitioner is questioning a public tender, on the ground that from a certain period and for a certain duration till date he has been carrying on fish breeding and related activities. The portion allotted to the petitioner is Banshelki Dam/Tank.

2. Admittedly, this tank and the dam does not belong to the petitioner. It is not a private site or a property of the Municipal Council either. If any rights and which can be claimed by the public particularly of the nature projected in the writ petition have to be conferred, then, the process known to law has to be adopted. The process is the best offer and bid has to be accepted.

3. In the interest of the public, eventually, such action has to be held so that the best possible and competitive price is obtained. In the event the public rights or properties have to be disposed of, that has to be done by the Municipal Council, Udgir.

4. In these circumstances, we do not think that its action of issuing a tender notice and inviting offers from the public requires interference in our writ jurisdiction. Bearing in mind that the petitioner has no vested or legal right to continue to occupy the tank or the portion of the same and the action being otherwise fair and just, reasonable within the parameters of Article 14, the Writ Petition is dismissed. No costs.

[MANGESH S. PATIL, J.] **[S.C. DHARMADHIKARI, J.]**

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