

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9765 OF 2015

Indubai W/o Babanrao Pandav

.. Petitioner

VS.

The State of Maharashtra and others

.. Respondents

Mr. S.S. Dixit, Advocate for the petitioner

Mr. P.S. Patil, A.G.P for the respondent/State

Mr. V.S. Bedre, Advocate for respondent no.3

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 17-07-2017

ORAL ORDER :

1. Having heard both sides, we do not think that the petitioner, who is carrying on business of selling tea on a handcart can insist on a particular place or corner being allotted to her. Once the law has taken its course and the petitioner was to be relocated from the existing place, she refused to relocate herself, then, we cannot direct the Municipal Council, Sangamner to render any further assistance to the petitioner.

2. The petitioner's Advocate once again argues that the petitioner is a lady. Her husband was carrying on that business but unfortunately, he expired and more than 31 years back.

3. We only observe in the event the petitioner is ready and willing to accept the relocated site/place, the Municipal Council may consider allotting her that corner or place, in the event it is still vacant. In the event the petitioner applies for allotment of some other corner but strategically located, then, the Council may consider her application in accordance with the rules.

4. We cannot direct the Municipal Council to consider the petitioner's application whenever made favourably, for she has clearly forfeited her right.

5. Writ Petition is dismissed. No costs.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/