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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 1639 OF 2016

Sadashiv Dyandeo Telvekar ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

Mr. Rahul Prakash Walvekar, for the Petitioner.

Mr. S. L. Babar, AGP for Respondent - State.

CORAM : V. M. KANADE, &
C. V. BHADANG, JJ.

DATE : MARCH 29, 2017

PC.

1. Heard the learned counsel appearing on behalf of the
Petitioner and the learned AGP appearing for the Respondent – State.

2. Brief facts which are relevant for the purpose of deciding
the petition are that the State Government has issued an advertisement
for allotment of open plots reserved for shops at Kolhapur in the year
2009. The Petitioner was the only person, who had applied for the
said allotment of plot. Since no decision was taken, he has filed writ

petition in this Court vide Writ Petition No. 10790 of 2012. The Division Bench of this Court vide order dated 22nd April, 2015 directed the State Government to take a decision, and also directed the Petitioner to produce all relevant documents. The State Government by the impugned order has observed that more six years had passed after the advertisement was issued in 2009 and therefore, the request made by the Petitioner was not accepted, and a further decision was taken to issue again a fresh advertisement.

3. The learned counsel appearing on behalf of the Petitioner submits that mere lapse of six years for taking the decision could not be a ground for rejecting his application. Secondly, the delay was caused by the Government since no decision was taken by them.

4. In our view, we do not see any reason to interfere with the impugned decision dated 2nd September, 2015 taken by the State Government wherein it is mentioned that more than six years have passed after the first advertisement was issued. Obviously, the prices of the open plots reserved for shops have gone up and therefore, we cannot direct the State Government not to issue fresh advertisement. Writ petition is therefore, disposed of. It is, however, clarified that if

the Petitioner applies again after a fresh advertisement is issued, this order shall not come in the way and the State Government shall take a decision in accordance with law.

Sd/-
[C. V. BHADANG, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath