

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7818 OF 2010

Shri Ramkrishna Parshuram Singh .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mrs. Shakuntala S. Wadekar for the Petitioner.
Mr. V. M. Mali, AGP for the Respondent-State.
Ms. Oorja Dhond for the BMC.
Mr. Sunil Ramchandra Ambadkar, Head Inspector, F/North Ward present.

**CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATE : 4th DECEMBER, 2017.

P. C. :

By this writ petition, the petitioner seeks a direction against the respondent No.3-Corporation to decide the application of the petitioner for allotment of the stall at an alternate site.

Ms. Dhond, the learned counsel for the Corporation states on instructions from Shri Sunil Ramchandra Ambadkar, Head Inspector, F/North Ward who is present in Court today that the petitioner is not entitled to the allotment of the said stall. It is stated that the stall was allotted to Hiralal Gupta and Hiralal Gupta has not filed the present writ petition. It is stated that the petitioner, who claims to be a person who was conducting the business along with Hiralal in the said stall, cannot file a writ petition for allotment of the stall at an alternate site.

We uphold the preliminary objection raised on behalf of the Corporation. If Hiralal Gupta was allotted the stall and if Hiralal Gupta has made an application to the Corporation for allotment of the stall at an alternate site, only Hiralal would have been entitled to file the writ petition to seek the aforesaid relief. The writ petition is not filed by Hiralal. The

petitioner claims that he was carrying on the business with Hiralal in the said premises. That would not give a locus standi to the petitioner to file the writ petition.

In the circumstances of the case, we decline to entertain the writ petition. The writ petition is disposed of with no order as to costs.

The points raised in the writ petition are kept open.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]