

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1980 OF 2016

Mohd. Ayub Israil Sayyad ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

....

None for the Petitioner.

Mr. Amil Shastri, AGP for Respondent No.1.

Ms. K.H. Mastakar for MCGM.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 13th November, 2017.

P.C. :

By this writ petition, the petitioner seeks a direction against the respondent-Corporation to decide the application of the petitioner for transfer the concerned HPCO booth through the lottery system.

According to the petitioner, the HPCO booth at Nagaindas Master Road, near Light Poll No.13 was allotted to the physically challenged person. According to the petitioner, after the physically challenged persons has expired, it was necessary for the respondent no.2 to transfer the HPCO booth to a physically challenged person. It is stated that though the legal heirs of the allottee are not physically challenged, the State Government has not taken any action for the transfer of the HPCO booth to a

physically challenged person by lottery system, on priority.

Ms. Mastakar, the learned counsel for the Corporation submitted that originally, the concerned HPCO booth was allotted to a physically challenged person but after his death, the same is being operated by the widow of the physically challenged person, after she was permitted to do so, in pursuance of the circular of the respondent No.2, dated 11.12.2015. It is stated that in view of the relevant clauses in the circular, the HPCO booth was permitted to be operated by the widow of the physically challenged person. It is stated that since the petitioner would not be entitled to seek for a chance of allotment of the HPCO booth to him by lottery system in view of the circular of the Corporation, the petition is liable to be dismissed.

By accepting the statements made on behalf of the Corporation that are not controverted, as none had appeared on behalf of the petitioner on the previous date of hearing and none appears on behalf of the petitioners today also, we dispose of the writ petition with no order as to costs.

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)