

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.378 OF 2018**

Shriram Gorakh Munde,  
Age: 33 years, Occu : Agriculture,  
R/o. Juna Mondha, Chinchwan Road,  
Wadwani, Tq. Wadwani,  
Dist. Beed.

**PETITIONER**

**VERSUS**

1. The State of Maharashtra.
2. The Collector, Beed.
3. Chief Officer, Wadwani Nagar  
Panchayat, Wadwani, Dist.Beed.
4. Premdas Sitaram Rathod,  
Age 31 yrs., Occu: Agril.,  
R/o.Wadwani, Dist. Beed.

RESPONDENTS

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Mr.Sayyed Tauseef Yaseen, Advocate for the  
petitioner

Mr.S.B.Yawalkar,Addl.G.P. for the respondent/State

Mr.S.G.Jadhavar, Advocate for respondent no.3.

Mr.D.J.Chaudhari, Advocate for respondent no.4.

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**CORAM: S.S. SHINDE AND  
S.M.GAVHANE, JJ.**

**DATE : 02.04.2018**

**ORDER:**

1] This Writ Petition under Article 226 of  
the Constitution of India is filed with the  
following prayer:

B) By issuing appropriate Writ or order or direction in the like nature, tender dt. 14/12/2017 issued by Wadvani Nagar Panchayat at Exhibit-K may kindly be quashed and set aside.

2] We have heard the learned counsel appearing for the respective parties.

3] Pursuant to the notices issued to the respondents, respondent no.2 has filed affidavit-in-reply. It is stated in the said affidavit-in-reply that, respondent no.2 has given administrative sanction to the construction of the shopping complex on the land of the Municipal Council i.e. respondent no.3, by its order dated 24<sup>th</sup> November, 2017. The copy of such sanction letter has been placed on record with the affidavit-in-reply.

4] Respondent no.3 has also filed affidavit-in-reply. It is stated in the said affidavit-in-reply that, it is a matter of record that, the office of the Deputy Superintendent of Land Record, Wadwani, has conducted measurement, and

fixed the boundaries in respect of the land in possession of respondent no. 3 - Municipal Council. It is not in dispute that, on the said land the shopping complex is going to be constructed. It is not in dispute that, the measurement of the said land has been carried out subsequent to filing of this Petition. It is not in dispute that, earlier tender was cancelled, and thereafter, fresh tender has been floated.

5] Upon perusal of the pleadings and the grounds taken in the Petition, principally the exception was taken to the said tender notice on two grounds; firstly, there was no administrative sanction by the Collector, and *secondly*, at the relevant time there was alleged encroachment, and the measurement of the said land where the shopping complex was proposed to be constructed, was not carried out. As already observed, respondent no.2 i.e. the Collector, Beed, has granted administrative sanction, and the measurement of the said land has also been carried

out, and thereafter, fresh tender has been issued, in our considered opinion, further adjudication of this Petition is not necessary. Since compliance of both the aforesaid conditions have been made, respondent no.3 can proceed further to take necessary steps pursuant to the fresh tender.

6] In that view of the matter, we are unable to persuade ourselves to grant any relief to the petitioner, hence the Petition stands rejected.

7] Needless to observe that, respondent no.3 will adhere to the conditions stipulated in the administrative sanction / letter dated 24<sup>th</sup> November, 2017 by respondent no.2.

8] Parties to act upon authenticated copy of this order.

**[ S . M . GAVHANE ]**  
**JUDGE**

**[ S . S . SHINDE ]**  
**JUDGE**