

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2892 OF 2018
(Narendra s/o Hiralal Kadam Vs. MSRTC, Dhule and another)

Mr.S.V.Natu, Advocate for the petitioner.
Mr.D.S.Bagul, Advocate for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 26/03/2018

PER COURT :

1. I have heard the strenuous submissions of the learned Advocates for the respective sides at length.

2. After it was expressed that the petitioner cannot create obstacles in the path of the respondent/Corporation which states that the Corporation would follow the procedure for issuing tenders with regard to the suit property, learned Advocate for the petitioner submits on instructions that he may be permitted to continue in the same suit premises till the Corporation floats a tender as per the circular dated 22/02/2016 or any such tender as per the requirements of the Corporation. The petitioner would apply in response to such tenders and will never obstruct the Corporation if the tenders are finalized. He further submits that if this protection is granted which is reasonable, the pending civil suit can also be

disposed of and the litigation can be brought to an end.

3. Learned Advocate for the Corporation submits that the tender would be floated strictly as per its rules, circulars and as per its requirements. If the petitioner's offer turns out to be competitive and reasonable, the Corporation would not hesitate to accept the best offer and would initiate steps in that direction.

4. Considering the above, this petition is disposed of with the following observations :-

[a] RCS No.12/2018 would be withdrawn by the petitioner within a period of 2 weeks from today and in any case the said proceeding shall stand disposed of by the Trial Court as withdrawn on or before 13/04/2018.

[b] The petitioner would be permitted to continue in the suit premises till the respondent/Corporation floats a tender and till the date it is finalized.

[c] The petitioner would apply in response to the said tender and the Corporation would consider its offer as per their rules.

[d] If the petitioner fails in the tender and if his tender is not accepted as being the best, he would not create an obstruction for the successful bidder to occupy the said premises.

(RAVINDRA V. GHUGE, J.)