

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

**CIVIL APPLICATION NO. 4727 OF 2018
IN
WRIT PETITION NO. 15212 OF 2017**

Shafiyoddin Jamalauddin Mohammad .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri S. P. Brahme, Advocate for the Applicant.

Shri A. V. Deshmukdh, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 27TH APRIL, 2018.

FINAL ORDER :

. The learned Assistant Government Pleader submits that, the decision has been taken on 02nd April, 2018 as per the directions of this Court in writ petition. The seal has been directed to be removed, however, the request of the petitioner for permitting him to do business in the writ premises is rejected.

2. From the order it appears that, no decision is taken with regard to release of the shop. The order is limited to the removal of the belongings and not permitting the petitioner to do the business in the premises. The petitioner will have to assail the

said order in appropriate proceedings.

3. The contention of the petitioner was that, he is a tenant. In fact, the respondent authorities ought to have decided upon the said aspect also and whether the shop is required to be released in favour of the petitioner or otherwise. Conducting the business and release of shop are two different aspects. There is no decision with regard to release of shops. In fact, the order passed by us on 14.02.2018 is not entirely complied with and only part of the order has been dealt with. The authority shall also take decision with regard to release of the shops.

4. Mr. Brahme, the learned counsel submits that, the District Collector Beed is hearing the matters of other tenants of the same vicinity and who are similarly situated. It is further submitted that, the concerned Sub Divisional Officer is on leave. In such case, even the Collector may consider the aspect of release of shop as directed by us under order dated 14.02.2018 and take decision on it on its own merits.

5. With these observations civil application stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]