

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

98 WRIT PETITION NO.1660 OF 2018

SHAFIK KANKARBHAI SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Saeed S. Shaikh, h/f Mr. Shaikh Faruk V
Patel

AGP for Respondents No. 1 : Mr. S.B. Yawalkar.

Advocate for Respondents No. 2,3 & 4 : Mr. Munde Suresh W.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13/08/2019

PER COURT :

1 Mr. Saeed Shaikh, holding for Mr. Patel, learned counsel for the petitioner submits that the petitioner was the highest bidder for the shop reserved for allotment to physically handicapped person. The learned counsel submits that the petitioner and respondent No. 5 were the bidders. The petitioner had quoted Rs. 1,66,000/- and was the highest bidder, still allotment letter is not issued to the petitioner. The respondents are not proceeding further.

2 Mr. Mundhe learned counsel for respondents No. 2 to 4 submits that the shop did not receive expected price as such not only in respect of shop No. 9 but the auction for many other shops was also

cancelled. The respondents are going to issue fresh publication and inviting fresh bids, even for the shop reserved for the physically handicapped person.

3. We do not find any malafide. There are only two bidders from physically handicapped category. Naturally, for the bidding to be more competitive, the respondents have taken a decision to re-auction the shops including the shop reserved for the physically handicapped person. As the decision is not a malafide one, we would not interfere in our writ jurisdiction under Article 226 of the Constitution of India.

4. Mr. Mundhe learned counsel submits that as the auction proceeding is cancelled, the respondents will refund the earnest amount deposited by the petitioner. The same must be refunded expeditiously prior to next auction.

5. The writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

mkd