

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11095 OF 2019

SANTOSH SURYABHAN AVHAD

...PETITIONER

VERSUS

THE STATE OF MAHRASHTRA
AND OTHERS

...RESPONDENTS

Mr. A.D. Gade, Advocate for Petitioner
Mr. V.M. Kagne, Assistant Government Pleader for
Respondents-State
Mr. V.D. Salunke, Advocate for Respondent No. 3

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 06th SEPTEMBER, 2019

ORAL ORDER:

1. We have heard the learned Counsel for the petitioner. Mr. Gade, the learned Counsel submits that without basic amenities, the shops are being put on E-auction. The permission is only for 27 shops. However, 38 shops are constructed. There are illegalities.
2. Mr. Salunke, the learned counsel appears for respondent No. 3.
3. On one hand, the petitioner says that he is interested in participating in E-auction and on the other hand, he is raising

question about the lack of amenities. The Municipal Council is certainly required to adhere to all the relevant aspects of the matter. The petitioner has not filled in E-tender. The petitioner has not participated in the tender process nor the terms of the tender are challenged. In view of that, it will not be possible to entertain the contention of the petitioner. Moreover, the petitioner has approached this Court on 5th September, 2019 whereas the tender is issued on 22nd August, 2019. The petitioner could have approached the Court earlier if he was really interested in the tender. After the last date of filling of tender is over, the petitioner has approached this Court.

4. In the light of the above, the writ petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

mta