

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

WRIT PETITION NO.11412 OF 2019

Dagdu Sonaji Vaikos and ors.

.. Petitioners

Versus

The State of Maharashtra and ors.

.. Respondents

Mr S.S. Kazi, Advocate for petitioners

Mr S.G. Karlekar, A.G.P. for respondents no.1 and 2

Mr J.R. Shah, Advocate for respondent no.3

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

**DATE : 11.10.2019**

**ORAL ORDER :**

1. We have heard Mr Kazi, learned counsel for the petitioner.
2. Learned Counsel for the petitioners submits that the petitioners are legal allottees of the shops. Their shops are sealed. The said action is without notice to the petitioners and violating the principles of natural justice.
3. Mr Shah, learned Counsel for respondent no.3 submits that it is on the basis of Commissioner's report the action has been taken. The shops are sublet and that is why the same are sealed. The petitioners are not running the shops.
4. Per contra, learned Counsel for the petitioners states that the petitioners themselves are running the shops and have documents to prove the same.
5. It would not possible to enter into the said dispute.

6. The petitioners shall make an application with the respondent no.3 - Municipal Corporation substantiating their contention that they are themselves running the shops allotted and have not sublet the same. The respondent no.3 - Municipal Corporation shall consider the stand of the petitioners and the documents filed by the petitioners and take decision about the claim of the petitioners within three days from the date of receipt of application and documents from the petitioners.

7. In case the decision is adverse to the interest of the petitioners, the petitioners are at liberty to agitate the same.

8. Writ Petition is accordingly disposed of. No costs. All contentions are kept open.

**( ANIL S. KILOR, J.)**

**( S.V. GANGAPURWALA, J.)**

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