

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2856 OF 2017

Maharashtra Towing Owners Association
and Ors.

... Petitioners

Vs

The State of Maharashtra and Ors.

... Respondents

Mr.Uday P. Warunjikar for the Petitioners.

Mr.Abhay L. Patki, Additional
Government Pleader for Respondent
Nos.1 and 2.

Mr.Nikhil Sakhardande a/w Pralhad
Paranjape, Shubhra Paranjape, Manish
Kelkar for Respondent No.3.

CORAM :- S. C. DHARMADHIKARI &
G.S.PATEL, JJ.

DATE :- JUNE 21, 2019

P.C. :-

1. After the earlier order and directions of this Court, which referred to the steps and measures taken by the Government, today, Mr.Patki, learned Additional Government Pleader places on record the decision of the Government dated 17th June, 2019. It is taken on record and marked as 'X' for identification.

2. The Government of Maharashtra, Home Department had taken a decision on 17th June, 2019 terminating the contract of respondent No.3.

3. Once this contract has been terminated and the officials particularly, the police machinery (the second respondent) have

been directed to initiate a fresh tender/bidding process, nothing survives in this writ petition. The petitioners need not concern themselves with the temporary or tentative arrangements made. The tentative arrangements are only to enable the third respondent before us to continue the work till the new contractor takes over. The work is crucial and extremely vital for the Joint Commissioner of Police (Traffic) as also the State. The number of vehicles which are left on both sides of the roads despite they being declared as "No Parking Zone" or at such places which obstruct the smooth and free flow of traffic need to be towed or removed. It is that towing work which is continuing and the third respondent will continue it till such time as the new contractor takes over.

4. We say nothing. It is entirely for the State and the third respondent to work out the contractual rights. However, we clarify that it is open to the third respondent to challenge this decision of the State, copy of which is placed before us. Equally, all contractual rights and assertions in relation thereto of the third respondent as also of the State are kept open.

5. The writ petition stands disposed of accordingly.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)