

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

WRIT PETITION NO. 4345 OF 2021

Shaikh Irfan Shaikh Isakoddin ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. S.S. Thombre, Advocate for the Applicant.
Mr. A.R. Kale, A.G.P. for Respondent No.1.
Mr. A.D. Wange, Advocate for Respondent Nos. 2 to 4.

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**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 23rd APRIL, 2021

PER COURT:-

1. We have heard Mr. Thombre, learned counsel for the petitioner.
Mr. Wange, learned counsel for respondent Nos. 2 to 4.
2. It appears that the petitioner is a licensee and doing the
business of sale of mineral water at CIDCO bus stand. The deed of
contract had come to an end today.
3. As the contract has come to an end today, the respondents are
intending to demolish the present constructions over the CIDCO bus
stand and are going to replan the same.
4. Mr. Wange, learned counsel for the respondents, on
instructions, submits that the work order for construction is already
issued.

5. In that event, it would not be possible to accept the contention of the petitioner.

6. Mr. Thombre, learned counsel for the petitioner submits that the petitioner would vacate the premises before start of actual construction.

7. The petitioner shall vacate the premises before the work is undertaken by the respondent or their contractor or the person who has taken the contract on BOT basis.

8. The respondents may not evict the petitioner till the work of demolition and/or construction is going to commence. However, once the work allotted on BOT basis to the contractor commences, the petitioner shall vacate the writ premises on its own, immediately.

9. In case, the petitioner does not vacate the premises at the said time, then respondents will have every right to take over the possession of the same. It is only on the ground of equity we have continued the possession of the petitioner till the work of construction and / or demolition commences. The petitioner is not entitled for any further protection.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane