

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

**WRIT PETITION NO. 243 OF 2022**

Nivrutti Atmaram Gutte

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pradeep V. Tapse Patil, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondent Nos. 1 to 5.

Mr. S. B. Pulkundwar, Advocate for Respondent Nos. 6 and 7.

**CORAM :   S. V. GANGAPURWALA &  
              S. G. DIGE, JJ.**

**DATED :   06<sup>th</sup> JANUARY, 2022.**

**PER COURT:-**

.       We have heard learned counsel for the petitioner, the learned A.G.P for respondent Nos. 1 to 5 and Mr. Pulkundwar, learned counsel for respondent Nos. 6 and 7.

2.       The petitioner is seeking compensation on the ground that the market was closed.

3.       We do not find any scheme of the Government pursuant to which the petitioner is claiming the compensation. It is only said that as the Government of Maharashtra is responsible for damage caused to the business of the petitioner, as such, the compensation be paid. The

business was closed because of Covid-19 pandemic.

4. The petitioner will have to prove exact loss caused to him as alleged. Evidence will have to be led to that effect. Writ jurisdiction under Article 226 of the Constitution of India cannot be invoked as it is not admitted claim. Moreover, the petitioner will have to demonstrate his entitlement and right to claim compensation against respondents.

5. In the light of that, writ petition is disposed of. No costs.

6. The petitioner may take up proceedings as may be permissible under law.

**( S. G. DIGE )**  
**JUDGE**

**( S. V. GANGAPURWALA )**  
**JUDGE**

P.S.B.