

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1305 OF 2010

Shri Premsingh S/o Narsinghji Birkhede -- Petitioner

Vs.

State of Maharashtra and Others -- Respondents

None for the Petitioners.

Mr. N.S.Rao, A.G.P. for Respondent No.1.

CORAM : NITIN JAMDAR &  
ANIL L. PANSARE, JJ.

DATE : 28 FEBRUARY 2022

P. C. :

The Petitioner was given a contract to run a Cycle Stand at a particular area by Respondent No.4 Gram Panchayat, Koradi. The period was from 1 November 2009 to 31 October 2010. The Petitioner was also issued work order and thereafter by the impugned order dated 8 February 2010, the contract was cancelled.

2. By order dated 31 March 2010 status quo was granted, which reads as under :-

*“Heard learned Counsel for the petitioner.*

*The Writ petition is directed against the order dated 08/02/2010 passed by the Block Development Officer, Panchayat Samiti, Kamptee, whereby the work order dated 31/10/2009 was issued in favour of the petitioner pursuant to the tender notice dated 25/10/2009 in respect of parking area of Koradi temple came to be cancelled. The Counsel for the petitioner has submitted that order dated 08/02/2010 is passed by the Block Development Officer without authority of law and without following the principles of natural justice. It is contended that as per the tender notice, the reserve price mentioned therein for grant of contract for the parking place in question was Rs. 1.50 lac. The petitioner, along with 6 others submitted the tender. The bid of the petitioner was of Rs. 2.51 lac, which was highest, and therefore, same was accepted and work order dated 31/10/2009 was issued in favour of the petitioner by the respondents.*

*The Counsel for the petitioner submitted that the Block Development Officer, who had no authority in law, without following the principles of natural justice, passed the order dated 08/02/2010 and cancelled the said contract unilaterally, hence the present writ petition.*

*It is contended by the learned Counsel for the petitioner that respondent No.4 issued fresh tender for the same parking area dated 23/3/2010 wherein once again the reserve price mentioned is Rs. 1.50 lac and the auction is scheduled today. The learned Counsel for the petitioner, in these circumstances, has prayed that the parties may be directed to maintain status quo till the matter is heard on admission.*

*The learned Counsel appearing for respondents No.2 & 3 seeks time to file reply.*

*In the backdrop of the above referred facts placed before us by the Counsel for the petitioner, we feel that prima facie case has been made out for grant of order of status quo. In the circumstances, parties are directed to maintain status quo until further orders.*

*Place the matter on 14/4/2010, for admission.”*

3. Thereafter by issuing Rule, the interim stay to the order was granted. Twelve years have lapsed since then. The period of the contract is undoubtedly over and, therefore, the Petition does not survive as it has already worked out in view of the interim order.

4. The Writ Petition is disposed of. Rule is discharged.  
No costs.

[ ANIL L. PANSARE, J. ]

[ NITIN JAMDAR, J. ]