

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

912 WRIT PETITION NO.373 OF 2023

**MAHESH BABURAO KANGULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS**

...
Advocate for Petitioners : Mr. A.V. Indrale Patil h/f. Madde Shrikant B.
AGP for Respondents/State : Mr. V.M. Kagne
Advocate for R/3 : Mr. V.P. Latange
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 4th November, 2023**

PC. :-

1. This matter was heard for some time. Petitioner Nos.1 to 4, 7, 9, 11, 12 and 14 have not disclosed that they were party to a civil suit. Applying the law laid down by the Hon'ble Supreme Court in **Kishore Samrite v/s State of Uttar Pradesh; (2013) 2 SCC 398** and **Bhaskar Laxman Jadhav and others vs. Karamveer Kakasaheb Wagh Education Society; AIR 2013 SC 523**, this petition is not entertained to their extent and stands dismissed.

2. In so far as Petitioner Nos.5, 6, 8, 10 and 13 are concerned, they pray for leave to withdraw this petition with a request to the Municipal Council that as they are erstwhile tenants in the tin sheds where a new structure has

now been erected, they may be considered by giving a preference over identical bidders. There are 29 shops which are constructed. These Petitioners have also tendered their bids. If amongst these highest bidders, if the Petitioners are equal bidders, a preference may be given to them on the basis of their bid amounts. The learned advocate for the Municipal Council submits that the highest bidder would be given the shop in accordance with the rules. If there are identically placed bidders vis-a-vis the Petitioners, they may be considered within the frame work of law.

3. Having recorded the submissions as above, **this petition is disposed off** to the extent of Petitioner Nos.5, 6, 8, 10 and 13.

4. If those Petitioners, with regard to whom this petition has been dismissed, happen to be the highest bidders, the learned advocate for the Council submits that as per the rules applicable the highest bidders would be entertained.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]