

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

910 WRIT PETITION NO.1171 OF 2023

**KISHOR MUNNALAL PARDESHI
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Mr. A.D. Shinde h/for Mr. S.A. Ambilwade, Advocate for Petitioner
Mr. P K. Lakhotiya, AGP for Respondents State
Mr. V. V. Bhavthankar, Advocate for Respondent No.3

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 25th October, 2023

ORDER:

1. On 17th October, 2023, we had passed the following order:

"1. The learned Advocate representing the Municipal Council, Ambajogai, seriously opposes the continuation of the ad- interim order dated 06/02/2023, for the reason that the Petitioner was never a tenant. He has never occupied any shop as a tenant and never paid rent to the Municipal Council. It is wrongly projected before this Court that the Petitioner has occupied two shops and was evicted from the said shops. Merely because the Petitioner deposited Rs.10,00,000/-, would not give him a right over all earlier tenants, who are to be given preference, since the shopping complex is erected in the place of the earlier structures.

2. The learned Advocate for the Petitioner submits that, he would produce the rent receipts on the next date.

3. Stand over to 25/10/2023 in the 'urgent orders' category. The ad-interim relief would continue till the next date."

2. The learned Advocate for the Petitioner fairly submits that the petitioner has no proof, indicating that he is a lawful tenant. There are no rent receipts and there is no evidence that he paid the rent.

3. On instructions, the learned Advocate for the Petitioner submits that the Petitioner desires to withdraw this Petition and if, in future, any shop is put up for auction or for usage/utilization, as may be permissible in law, the Petitioner would participate in the said process.

4. In view of the above statement, **this Petition is disposed off** as withdrawn on instructions.

5. The learned Advocate for the Petitioner submits that the amount of Rs.5 lakhs deposited against each shop (two shops), be returned to the Petitioner. The Petitioner is not claiming any interest. The learned Advocate for the Municipal Council submits that the amount will be returned in five days.

6. By recording the above statements, we expect the Municipal Council to act accordingly.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan