

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10161 OF 2023
(Malati Rajendra Ahire and Another Vs. The State of Maharashtra and
another)
WITH
8 WRIT PETITION NO.10134 OF 2023

RITESH GOPALDAS NAGWANI AND OTHERS
VERSUS
CHIEF OFFICER CHALISGAON MUNICIPAL COUNCIL

Mr.B.S.Deshmukh a/w Mr.Bhushan Mahajan, Advocate for the
Petitioners.

Mr.D.B.Thoke, Advocate for the sole Respondent in WP No.10134/2023
and for Respondent No.2 in WP No.10161/2023.

Mr.S.B.Yawalkar, AGP for the Respondent/State in WP No.10161/2023.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : AUGUST 17, 2023

PER COURT :

1. These matters were heard for quite some time prior to the
lunch recess. A pass over was granted to the Petitioners in order to
decide whether they intend to participate in the "once in 3 years
auction" for leasing out the shops for commercial purpose. After the
lunch recess, when the matter was called out, Petitioner Nos.5 to 11 in
WP No.10134/2023 sought leave to withdraw. A print out tendered by

the learned Advocate for the Petitioners is taken on record and marked as 'X' for identification. This petition is, therefore, disposed off as withdrawn to the extent of Petitioner Nos. 5 to 11.

2. In so far as Petitioner Nos. 1 to 4 in the second petition and the 2 Petitioners in the first petition are concerned, the learned Advocate for the Petitioners submits that the Municipal Corporation is conducting the auction bidding, which is conducted once in 3 years. The auction is scheduled tomorrow. All these Petitioners desire to participate in the auction by tendering their application forms. The applications are to be accepted by today. The Municipal Council is seeking the disclosure of the purpose of commencing the commercial activity by these Petitioners.

3. The Municipal Council has entered its affidavit in reply today dated 16.08.2023.

4. The learned Advocate representing the Municipal council submits that these Petitioners can tender their applications and complete the formalities so as to be eligible for the bidding in

tomorrow's auction process, by 6.30 p.m. today. We find that there is no reason for these Petitioners to withhold the information as to what business do they intend to carry out in the said shops, if they succeed to be the highest bidders in tomorrow's auction.

5. As such, these 2 Petitions are disposed off. These Petitioners are permitted to tender their application forms and complete the necessary formalities by 6.30 p.m. today. The learned Advocate for the Municipal Council graciously submits that this order would be conveyed to the Chief Officer, since a representative of the Council is present in the Court. Needless to state, these Petitioners would be treated equally as like the other bidders and the rules applicable to select the highest bidder, shall be the criteria for allotment of the shops after completion of the auction bidding.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)