



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

902 WRIT PETITION NO. 15554 OF 2023

RAHUL ADINATH GORE

VERSUS

MUNICIPAL COMMISSIONER AURANGABAD MUNICIPAL CORPORATION

...

Advocate for the Petitioner : Mr. Deshpande Gaurav L.

Advocate for Respondent : Mr. A. P. Bhandari

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 03, 2024

ORDER :-

1. By the present writ petition, the petitioner is challenging the order passed by the Civil Court so also by the District Court whereby his prayer for interim relief is refused.

2. The petitioner is a contractor collecting parking charges in Shanoormiya Darga Parking for the Corporation. The contract was granted to the petitioner on 05/08/2022. On 05/07/2023 the authorities have called E-Tender for the period 2023-2024 by giving a public notice. The petitioner challenged the E-Tender by filing a suit and has prayed for the injunction against the Municipal Corporation granting E-Tender for the collection of parking charges.

3. In a suit filed by the petitioner, the petitioner also applied for

temporary injunction restraining the Municipal Corporation from going ahead with E-Tendering process. The Trial Court so also the Appellate Court dismissed the application for interim relief filed by the petitioner holding that the petitioner has no continuing legal right to collect parking charges in perpetuity. The petitioner has no contract for stipulated period with the respondent Corporation for collecting parking charges. The petitioner cannot continue in perpetuity as such the petitioner does not have a prima facie case for seeking an injunction against the Municipal Corporation and the interim relief application has been dismissed.

4. The petitioner has challenged the orders passed by both the Courts below in the present petition. I see no error committed by both the authorities as there is no vested right created in favour of the petitioner to continue the collection of parking charges. The authorization letter allowing the petitioner to collect parking charges does not have any stipulated period in it, and as such, the petitioner has no legal right to continue collecting parking charges in perpetuity. No error is committed by the Courts below. The petition is dismissed.

5. The learned Advocate for the petitioner submits that until the tender is allotted for collecting the parking charges, the petitioner may

be permitted to continue to collect parking charges on the conditions stipulated in the letter dated 05/08/2022.

6. The learned Advocate for the Municipal Corporation, on instructions submits that till the tender is allotted to the successful bidder, they have no objection to allow the petitioner to collect parking charges as per letter dated 05/08/2022.

7. In view of the submissions made, it is directed that the petitioner be continued as a contractor on same terms for the collection of parking charges till E-Tender is allotted for successful bidder. With directions as above, the writ petition is disposed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.