



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

WRIT PETITION NO. 5995 OF 2022

Chandrakant Murlidhar Yawale And Others

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Mr. V. B. Patil, Advocate for the Petitioners

Mr. N. D. Raje, AGP for Respondents-State

Mr. Swapnil Patnurkar a/w Mr. Ojas Deshpande & mr.
Swapnil Joshi h/f J.P. Legal Associates, Advocate for
Respondent no.4

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CORAM : ROHIT W. JOSHI, J.

DATED : 31ST JULY, 2025

PER COURT :-

. On noticing that the remedy under Section 308, which is availed by the petitioners is not available to them in law, the learned Counsel for the petitioners, on instructions from the petitioners, makes a motion to withdraw the petition with liberty to avail appropriate alternate remedy as is available in law.

2. The request is reasonable. Petitioners are permitted to withdraw the Writ Petition with liberty to avail such remedy as is available in law. The period spent in prosecuting the present petition may be excluded in the light of principles

underlying Section 14 of the Limitation Act, 1963.

3. Learned Counsel for the petitioners states that the Municipal Council has been auctioning the shops/platforms forming subject matter of the present petition and in the subsequent e-auctions, the highest bid received is almost 50 to 60 percent of the bid offered by the petitioners. He makes a request that the Municipal Council be directed to consider the proposals of the petitioners for allotment of shops, which were initially allotted to them at some consideration over and above the highest bid received in the subsequent e-auctions.

4. It will be open for the petitioners to make appropriate representations in this regard to the Municipal Council. The Municipal Council may take appropriate decision on such representation/s, if made by the petitioner/s.

5. At this stage, the learned Counsel for the petitioners makes a request for extending the interim relief for a period of eight weeks.

6. Learned Counsel for the respondent/Municipal Council raises a strong objection stating that the petition is not maintainable, and therefore, the interim relief should not be extended.

7. Having regard to the totality of circumstances, in the considered opinion of this Court, it will be appropriate to continue the interim relief granted vide order dated 26.07.2023 upto 28.08.2025.

8. Writ Petition is **disposed** of.

9. Civil Application, if any, stands disposed of.

(ROHIT W. JOSHI, J.)

Rushikesh/2025