

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2271 OF 2025**

Vimal Sunil Gaikwad and Ors. ... Petitioners
V/s.
The State of Maharashtra and Ors. ... Respondents

Adv. V.S. Tadke i/b Mr. Mohan B. Gawade for the Petitioners.
Mr. N.C. Walimbe, Addl. GP a/w. Smt. Ashwini A. Purav, AGP for
the Respondent/State.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.
DATE : 17th JUNE, 2025.**

P.C.

1. Heard the learned counsel for the petitioners.
2. Learned counsel for the petitioners has invited our attention to the order dated 13th July 2005 passed by this Court in the case of **Sunil B. Gaikwad vs. State of Maharashtra**¹. The said order reads thus:

“Rule. Respondents waive service. By consent, rule is made returnable forthwith.

. Heard learned counsel for the parties.

. The petitioner is an educated unemployed youth and is running a Zunka Bhakar Centre in village Shirur District Pune since 1998. In 1995, the Maharashtra Government floated a scheme to start Zunka Bhakar Kendras all over Maharashtra so that poor and hungry can have food at a nominal rate of Re 1/-. The petitioner being unemployed youth was allotted one such Zunka

¹ Writ Petition No. 4026 of 2005 decided on 13th July 2005

Bhakar Centre. However, it appears that no place was available with the respondents and, therefore the petitioner started Zunka Bhakar Centre in the grocery shop which was being run by his mother since 1989. The shop licence stands in the name of petitioners mother since 1989. The electricity bills also stand in the name of petitioner's mother.

. In June 2000 the State Government decided discontinue all Zunka Bhakar Kendras. decision of the Government was upheld by to This the Division Bench of this court on 29.3.2001. Against this decision some of the Zunka Bhakar Centre owners have preferred appeals before the Supreme Court and those appeals are pending.

. So far as the present petitioner is concerned he has filed an affidavit that he is willing to close down his Zunka Bhakar Centre and he may be allowed to run the grocery shop or some other business in the premises where Zunka Bhakar Centre was being conducted. The documents produced by the petitioner's alongwith the affidavit dated 8.7.2005 show that the premises do not belong to the Government but belong to the petitioner's mother who was conducting grocery shop in the said premises. In the light of the above affidavit the impugned notice dated 16.5.2005 directing the petitioner to hand over possession of the Zunka Bhakar Centre to the Kamgar Talathi is quashed and set aside. The petitioner is at liberty to conduct any business in the premises with permission of the local authorities in accordance with law. Rule is made absolute accordingly with no order as to costs."

3. Learned counsel for the petitioners submitted that for entering the petitioner's name in the Record of Rights, a representation has been made by the petitioners on 16th September 2021 before the Collector, Pune District. Despite making comprehensive representation and also in view of the

order passed by this Court in *Sunil B. Gaikwad (supra)*, though the petitioners name should have been entered in the Record of Rights, the revenue authorities have not taken any decision on such representation.

4. In the facts and circumstances of the present case, we direct the Collector to decide the representation dated 16th September 2021 or the Collector may refer the representation to the competent authority for decision on it's own merits and in accordance with law, as expeditiously as possible and in any case within a period of 8 weeks from 23rd June 2025.

5. The petitioners to produce the copy of this order before the learned Collector on 23rd June 2025.

6. Keeping all contentions open, we dispose of the petition in the aforesaid terms.

7. It is open for the petitioners to deal with the Government Resolution dated 4th April 2002, on it's own merits, before the Collector.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)