



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.4847 OF 2024

Ritesh Parshuram Ghaiwat and Ors. ... Petitioners
Versus
The State of Maharashtra and Ors. Respondents

Adv. V. S. Kapse, for the Petitioners.
Smt. Manisha Gawde, AGP, for the Respondent-State.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 25th FEBRUARY, 2026

P.C. :

1. Heard learned counsel for the parties.
2. Learned AGP invited our attention to the affidavit-in-reply of Shri Shrikant Ramakant Shipurkar, Commissioner, Dairy Development Department, Worli, Mumbai on behalf of respondent Nos.3 and 4 affirmed on 3.10.2023. In paragraph 3 of the decision it is stated that the petitioners should apply within 7 days duly following the procedure laid down by the Government vide Government Memorandum dated 7.7.2011 and 27.7.2012 to get the Aarey Center as per the conditions. In paragraph 4 it is stated

that a decision should be taken within 15 days on the application received by the High Authority Committee regarding allotment of Aarey Center and informed to the Government. In paragraph 5 it is stated that the application filed by the applicants is rejected.

3. Learned counsel for the petitioners submitted that similarly situated stall owners have been granted the benefits by the State Government and their stalls have been regularised. One such copy of the order dated 29.05.2023 which is at page 346 of the paper-book and affidavit to that effect has been filed by the petitioner No.20. It is therefore the submission of learned counsel for the petitioners that this amounts to discrimination as similarly situated persons have received the benefit of regularising their stalls, whereas in case of the petitioners, they are made to go through the process of making a fresh application.

4. In our opinion, all these contentions can be taken up by the petitioners when an application is made in terms of the decision reflected in paragraph 3 of the order dated 15.09.2023 passed by the Secretary (Animal Husbandry and Dairy Development) which is at page 405 of the paper-book. It appears that the petitioners have not yet applied in view of the pendency of

this Petition. It therefore would be appropriate to extend the time for filing the application in terms of the decision dated 15.09.2023.

5. Accordingly, the petitioners should now make an application within a period of 15 days from today in terms of clause (3) of the decision dated 15.09.2023 and the decision thereupon be taken within a period of 4 weeks from the date of receipt of the application. It is also open for the petitioners to bring to the notice of the concerned authority the fact that in respect of similarly situated stall owners, their stalls have already been regularised which aspect shall obviously be taken into consideration by the competent authority.

6. With these observations, keeping all contentions open, the Writ Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)