

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3371 OF 2013

Kelidevi Bhati .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr.Roshan Tanna for the petitioner.

Mr.S. D. Rayrikar, AGP for the respondent nos.1 to 4-State.

CORAM : R.D. DHANUKA, J.

DATE : 22nd January 2018

P.C.:

. None appears for the respondent no.5 though served and vakalatnama of the advocate on behalf of the respondent no.5 is filed.

2. In the affidavit-in-reply filed by the respondent nos.1 and 2 and more particularly in paragraph 14, it is averred that the respondent no.5 has not opened an account as per the condition mentioned in the impugned order dated 27th November 2012 passed by the respondent no.2 till now and therefore the shop allotted to the respondent no.5 by the respondent no.2 is not currently running.

3. Mr.Rayrikar, learned AGP for the respondent nos.1 to 4 shall take instructions whether fresh advertisement can be issued for allotment of the said shop on the next date and also whether the respondent no.5 has complied with the condition mentioned in the impugned order dated 27th November 2012 passed by the respondent no.2 after filing the said affidavit-in-reply dated 27th June 2013 by the respondent nos.1 and 2 or not.

3. The petitioner is directed to convey this order to the learned advocate who has filed vakalatnama on behalf of the respondent no.5. If the respondent no.5 personally or through his advocate does not remain present, the matter would be proceeded ex parte.

4. Stand over to 5th February 2018.

R.D. DHANUKA, J.