

nsc.

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

WRIT PETITION (L) NO.1146 OF 2015

Pt. Yashodeo Educational Charitable Society ...Petitioner
v/s.
The State of Maharashtra and Anr. ...Respondents

Ms.Rushita Jain i/b Law Global, for the Petitioner.
Mr.Amit Shastri, AGP for the Respondent No.1.
Ms.Shobha Ajitkumar, for the Respondent No.2 – BMC.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 15th JULY, 2015.

P.C.

Not on board. Taken on board.

1. Prayers (a) to (c) of the petition reads thus :-
 - (a) A writ/direction of this Hon'ble Court setting-aside and/or quashing the rejection by letter dated 19th August 2014 the permission to use infrastructural facilities in one of the hospitals run by the Respondent No.2 for setting up of Medical, Dental Nursing, Para-Medical College on Private Public Partnership basis by the Petitioner ;
 - (b) A writ/direction of this Hon'ble Court directing the Respondent

No.2 to reconsider the Petitioner's application for allowing use of infrastructural facilities available in one of the hospitals run by the Respondent No.2 for setting up of Medical, Dental Nursing, Para-Medical College on Private Public Partnership basis by the Petitioner ;

- (c) A writ/direction of this Hon'ble Court directing the Respondent No.2 to grant the permission to use infrastructural facilities available in one of the hospitals run by the Respondent No.2.

2. The petition proceeds on the footing that the petitioner which is a Society registered under the Societies Registration Act, 1860 has a right to compel the second respondent – Mumbai Municipal Corporation. to allow it to use the facilities in the public hospitals run by the second respondent – Mumbai Municipal Corporation.

3. As far as allowing the use of Dr.R.N. Cooper Hospital, Juhu is concerned, by a communication dated 19th August, 2014, the petitioner has been informed by the Municipal Corporation that the second respondent – Mumbai Municipal Corporation is in the process of starting a new Medical College in the Dr.R.N. Cooper Hospital, Juhu. The petitioner's request to allow the use of the facilities in the said hospital has been rejected.

4. This Court cannot compel the second respondent – Mumbai Municipal Corporation to allow the petitioner to use the facilities in the hospitals run by the second respondent – Mumbai Municipal Corporation to enable the petitioner to start Medical or Para-Medical Colleges.

5. Therefore, the petitioner has no right to seek a Writ of Mandamus as sought in this petition.

6. Hence, there is no merit in the petition. The same is rejected.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)