

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

WRIT PETITION NO. 1008 OF 2016

Moin Khan Dilawar Khan Pathan
& another

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.M. Vibhute, advocate for petitioners.
Mr. V.M. Kangne, AGP for the State.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 27th JANUARY, 2016.**

PER COURT :

1. Heard.
2. Petitioners are praying for issuance of directions to disburse the amount of rent receivable by petitioners towards lease premium for letting the building on rent in favour of respondent no. 6 - institution for operating respondent no. 7 - school.
3. It is the contention of petitioners that since there are internal disputes in the management, the amount of rent is not disbursed in favour of the respondent institution by State Government which has resulted in failure of the concerned institution to pay lease premium / monthly rent in favour of petitioners. Petitioners contend that in identical matter, this Court issued order directing the State authorities to consider the request and disburse amount in favour of similarly placed individual /petitioner.

4. The order on which reliance is placed cannot be construed as a precedence since no ratio has been laid down by the Division Bench of this court in aforesaid decision. Apart from this, it is merely an order and not judgment. Since the dispute raised in the petition relates to recovery of rent of the premises let out in favour of respondent-institution, it would be open for the petitioners to avail of remedies available in law for recovery of amount. In exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India, no interference is called for in the instant petition. Writ petition stands rejected, keeping open the option of petitioner to avail remedies available in law.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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