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

PUBLIC INTEREST LITIGATION (ST) No. 4593 OF 2015

Shri Bhimrao Anna Kadale Patil

....Petitioner

Vs.

Government of Maharashtra and Ors.

....Respondents

None for the Petitioner

Mr.N.C. Yadav – AGP for the State.

***CORAM : V. M. KANADE &
Mrs. SWAPNA S. JOSHI, JJ***

DATE : OCTOBER 17, 2016

P.C. :

1. By this petition, which is filed as PIL under Article 226 of the Constitution of India, the Petitioner is seeking the following reliefs:

“i) Your Lordships may please be allow this PIL writ petition and may further be pleased .

ii) Your Lordships may pleased be directed to Respondent No.1 to make a law in legislature assembly for any President of Zilla Parishad would not be allotted and things, items under any welfare project for interest of own caste, and nearest relate persons and if it is done he will be liable to be penalized under Indian Penal Code.

iii) Your Lordships may be awarded Rs.50 Lakhs compensation from Respondent No.2 for loss of needy people and discrimination made by Respondent No.2 in allotment of items.

iv) Your Lordships may be directed to Respondent No.1 that for the bios act did by Respondent No.2 should declare disqualified to accept any Political or Government Post.

2. By prayer clause ((ii) the Petitioner is seeking relief directing respondent No.1 – State Government to make a law in Assembly. Prayer clause (iii) is for compensation. Prayer clause (iv) is for declaration that Respondent No.2 should be disqualified to accept any political or Government post.

3. We are afraid that while exercising our writ jurisdiction under Article 226 of the Constitution of India, we cannot grant such reliefs which are claimed by the Petitioner in this PIL.

4. So far as prayer clause (ii) is concerned, it is well settled position in law that this Court while exercising writ jurisdiction cannot issue a writ of mandamus, directing any Legislature Body to pass a law. Therefore, prayer clause (a) cannot be granted. So far as prayer clause

(iii) is concerned, this Court cannot pass such an order. The Petitioner is at liberty to file an appropriate suit before the appropriate Court. So far as prayer clause (iv) is concerned, this Court cannot pass an order declaring that Respondent No.2 is disqualified to accept any political or Government post and the said direction can only be given by the Competent Authorities constituted under the provisions of law and that Authority can take a decision to disqualify Respondent No.2. PIL filed by the Petitioner is devoid of any substance. Hence, PIL is dismissed.

Mrs. SWAPNA S. JOSHI, J.

V.M. KANADE, J.