

*Shephali*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 9741 OF 2015**

|                                   |                |
|-----------------------------------|----------------|
| Amol Arun Katkar & Ors.           | ...Petitioners |
| <i>Versus</i>                     |                |
| The State of Maharashtra & Others | ...Respondents |

**WITH  
WRIT PETITION NO. 9742 OF 2015**

|                                   |                 |
|-----------------------------------|-----------------|
| Kuldip Anandrao Chaudhary & Ors.  | ...Petitioners  |
| <i>Versus</i>                     |                 |
| The State of Maharashtra & Others | ...Respondents. |

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Mr. Laxman S. Deshmukh, for the Petitioners in both the petitions.

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**CORAM: S.C. DHARMADHIKARI &  
G.S. PATEL, JJ.  
DATED: 11th January 2016**

**PC:-**

1. We are unable to agree with the Petitioners' Advocate that a writ of mandamus be issued to the Government to refund the money which according to the Petitioners' Advocate is illegally and unlawfully retained.
  
2. We also find that making of their representation, a copy which is at page 52, would not enable this Court to consider as to

whether any sum is allegedly retained unlawfully or illegally by the Government. This would require going into all the disputes and which the Petitioners had with the State or the appropriate or competent authority therein. If the Petitioners feel that the fees have been paid at the rate payable and what is recovered or what is then offered by the Petitioners is in excess of the prescribed fees then nothing prevents them from instituting appropriate proceedings for recovery of such excess sum. In writ jurisdiction we cannot issue any direction to the State to consider the claim. Both the Writ Petitions are devoid of merits and are dismissed. There will be no order as to costs.

**(G. S. PATEL, J.)**

**(S. C. DHARMADHIKARI, J.)**