

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**PUBLIC INTEREST LITIGATION NO. 8 OF 2011
AND
CIVIL APPLICATION NO. 11551 OF 2014
IN PIL/8/2011**

PRAKASH BABANRAO LOLAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S.S. Jadhavar, Advocate for the petitioner / applicant
Mr. S.G. Karlekar, A.G.P. for the respondent/State

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 05-07-2017**

ORAL ORDER :

1. We have heard Mr. Jadhavar, learned counsel appearing for the petitioner in this Public Interest Litigation.

2. The prayer in the Petition reads as under:-

“(B) By issuing writ of mandamus or any other appropriate writ, order or direction, the respondents may kindly be directed to take necessary steps for framing rules or issuing

guidelines in respect of purchase of precious metals & ornaments from the customers by the goldsmiths/ jewelry shop owners;”

3. It is too well settled, to require any reference to a judgment of Hon'ble Supreme Court, that a Writ of Mandamus or Command of this Court under Article 226 of the Constitution of India cannot be issued to the State particularly directing it to make a law or legislation or modify and amend any existing legislation. If there is any legislation in the field and there are no Rules or guiding principles while implementing and enforcing the same, that matter as well, cannot be made subject matter of a Writ of Mandamus and in the garb of seeking a direction to make the Rules and Regulations, the petitioner cannot insist on making a specific Rule.

4. In the circumstances, the entire Petition is misconceived and is possibly to get over some prosecution which petitioner apprehends, may be launched in the event, he purchases gold from unknown sources.

5. The Public Interest Litigation is dismissed.

6. Since the Petition was not motivated by any genuine public interest, we forfeit the Security Deposit of Rs.50,000/-. That shall be made over to the High Court Legal Services Sub-Committee at Aurangabad.

7. In view of dismissal of the Public Interest Litigation, Civil Application no. 11551 of 2014 filed in this Public Interest Litigation, does not survive and is disposed of.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/