

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2976 OF 2016

Shri Sarjerao Ramchandra Patil and Another. .. Petitioners
Vs
State of Maharashtra and Others. .. Respondents

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Shri Sachin S. Padaye i/b Shri Girish R. Agrawal for the Petitioners.
Shri Manish M. Pabale, AGP for the Respondent Nos.1 to 3.
Ms. Priyanka Bhadrashete i/b Shri N.N. Bhadrashete for the Respondent
No.4.

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CORAM : A.S. OKA & A.K. MENON, JJ
DATED : 2ND MAY 2017

PC.

1. The learned counsel appearing for the Petitioners seeks time to take instructions on the ground that the Petitioners have not instructed him. For the said purpose, time was granted on 24th April 2017. Hence, no further time can be granted.

2. The Petitioners are claiming to be the allottees of Gala Nos. 411 and 457, more particularly described in Paragraph 2 of the Petition. The said two galas are within the jurisdiction of the fourth Respondent Mumbai Agriculture Produce Market Committee. The prayers (b) to (d) seek substantive reliefs, which read thus:

- “(b) This Hon'ble Court be pleased to direct Respondent No.4 and its officers or agents acting through, it be restrained from indulging in leveling false and frivolous allegations against the Petitioners.
- (c) Respondent No.4 be directed to act in accordance with law and following due process of natural justice.
- (d) This Hon'ble Court be pleased to restrain Respondent No.4 from taking further steps in respect of Notices dated 14/07/2015.”

3. The prayer clause (b) is very vague and on the basis of such a vague prayer, a writ of mandamus cannot be issued. The notice dated 14th July 2015 (Exhibit-G to the Petition) is in fact a Circular issued by the fourth Respondent. Before issuing the said Circular, certain letters were addressed by the fourth Respondent. It is stated in the said correspondence that in the event, it is found that the allottees are selling items on retail basis, the actions of cancellation of license, suspension of license and cancellation of allotment of galas shall be taken. The Circular dated 14th July 2015 contains similar warnings.

4. There is nothing placed on record to show that as of today, any adverse action has been taken against the Petitioners on the basis of the said Circular dated 14th July 2015.

5. Therefore, at this stage, this Petition need not be entertained. We dispose of the Petition by directing the fourth

Respondent that in the event the fourth Respondent proposes to take any adverse action against the Petitioners for the alleged breaches committed by the Petitioners, the fourth Respondents shall not do so without giving an adequate opportunity of being heard to the Petitioners.

6. All contentions on merits are kept open.

(A.K.MENON, J)

(A.S. OKA, J)