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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2967 OF 2015

Tanvi Nagriseva Sahakari Sanstha Ltd. ... Petitioner

Vs.

The State of Maharashtra and Ors. ... Respondents

Mr. Omprakash Parihar i/by Ganesh K. Gole for the Petitioner.

Mr. M.A. Sayed, AGP for the Respondent No.1.

Ms. Vandana Mahadik for the Respondent No.2.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 12th JULY, 2017

PC.

1 Heard the learned counsel appearing for the petitioner. The petitioner claims to be a Non-Government Organisation. The petitioner is relying upon the guidelines issued by the second respondent – Municipal Corporation for allotting the P.S.C blocks to Non-Government Organisation on “first come first serve” basis. The prayer (b) of this Petition reads thus :

“(b) this Hon'ble Court may be pleased to issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ, order or direction in the nature of mandamus under Article 226 of the Constitution of India, thereby directing the Respondents and/or their subordinate officers, agents and/or servants to allot the Petitioner the PSC Block for ladies at Gala No.21 in

front of Suvidha Stores and other Toilet Block for Gents at Gala No.3 in front of Kamath Restaurant below Keshavsut Bridge, Dadar in accordance with Guidelines of Respondent No.2 issued in 2005 which is renewed in 2014 and said Guidelines is continued to be in force;”

2 On a query being made by the learned counsel appearing for the petitioner, he states that to the knowledge of the petitioner, allotment of the said P.S.C blocks is not made to any other NGO.

3 There may be a policy empowering the Municipal Corporation to allot P.S.C blocks to NGOs for maintenance. However, such policy does not create any right in favour of the petitioner. This is not a case where a claim of the petitioner has been overlooked contrary to the policy.

4 Therefore, we cannot issue a writ of mandamus compelling the Municipal Corporation to allot the said block to the petitioner.

5 Hence, we decline to entertain this Petition under Article 226 of the Constitution of India. The Petition is rejected. However, rejection of the Petition will not prevent the petitioner from making appropriate representation to the Municipal Corporation.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)