

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9061 OF 2016

CHANDANSING BHARATSING TAJI
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.N.Rodge, Advocate h/f Mr.A.R.Shinde, Advocate for
the petitioner

Mr.S.Y. Mahajan, AGP for the respondent/State

**CORAM : S.S. SHINDE &
S.M.GAVHANE, JJ.**

DATED : 25.01.2018

P.C. :-

1. Heard learned counsel appearing for the
petitioner and learned AGP appearing for the State.

2. Learned counsel appearing for the petitioner
submits that for redressal of grievance which has been
raised in this petition, the petitioner has approached
the respondent Nos.3 and 4 by way of filing application.
Since the year 2015 neither respondent Nos. 3 and 4 have
considered the applications filed by the petitioner nor
replied the legal notice issued by the Advocate. In our
opinion unless there is adjudication of the grievance
raised by the petitioner in the said application
addressed to respondent Nos.3 and 4, entertaining this
writ petition directly, would amount to an adjudication

of disputed question of fact. Such exercise is not desirable while exercising the writ jurisdiction.

3. Be that as it may, we direct respondent Nos.3 and 4 to consider the representation / application /notice given by the petitioner from time to time and take decision on the same, on its own merits as expeditiously as possible, however, within three months from today. Needless to observe that in case, respondent Nos.3 and 4 are of the opinion that before taking the decision, it is necessary to hear the petitioner, authority can issue notice to the petitioner, and may call the petitioner for hearing. We have not expressed any opinion on merits of the contentions raised either in the petition or the representation /application/notice issued to the respondent Nos.3 and 4.

3. With the above observations, the writ petition stands disposed of.

4. List for compliance of above said directions under caption 'for compliance' on 23.04.2018.

5. Parties to act upon authenticated copy of this order.

[S.M.GAVHANE, J.]

[S.S. SHINDE, J.]