

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4646 OF 2016

Manohar Rajaram Dalavi	}	
and Anr.	}	Petitioners
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Rakesh S. Patil for the petitioners.

Mr. B. V. Samant-AGP for State.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- JANUARY 4, 2018

P.C. :-

1. The petitioners are seeking enforcement of a Government Resolution dated 29th September, 1987 and have relied upon a judgment and order dated 25th July, 2014 passed by this court in Writ Petition No. 6419 of 2011. This petition is filed by the present petitioners stating that this set of petitioners was not party to the earlier petition. We have not seen any averment in the petition stating that these petitioners, who are seeking benefit of the earlier judgment and order of this court have approached any statutory authority requesting it to comply with the judgment and grant the benefits thereof to them. Para 16 of the writ petition is relied upon, but it is bereft of any particulars,

which are required before this court is approached seeking a writ of mandamus. That writ of mandamus is issued to enforce a pre-existing or pre-established legal right is clear. Further, a writ of mandamus is issued in favour of such parties and to enforce such public duties when the statutory authorities, though approached, have failed to render justice. Thus, the fact that the justice was demanded and it was denied ought to be mentioned with all particulars in that behalf.

2. We would not, therefore, entertain this petition, but allow the petitioners to approach the statutory authorities and seek such reliefs as are permissible in law. It is only thereafter we would consider any of the matters and based on the reliance on the earlier judgment of this court.

3. The writ petition is disposed of with liberty as above.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)