

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14217 OF 2017**

Kastkari Kamgar Panchayat through its
Secretary and Ors.

..Petitioners

vs.

The Municipal Corporation of the City of Pimpri
Chinchwad and Ors.

...Respondents

Mr. Subhash V. Gutte for the Petitioners.

Mr. Rohan P. Sakhadeo for the Respondent Nos.1,2 and 4.

Mr. Manish M. Pabale, AGP for the Respondent Nos.7 and 8.

CORAM : A.S. OKA & P. N. DESHMUKH, JJ.

DATE : 15th FEBRUARY, 2018

P.C.:

. Not on board. Taken on board.

2. The grievance in this petition under Article 226 of the constitution of India is as regards the eligibility of certain persons for grant of benefits under the Jawaharlal Nehru National Urban Renewal Mission. The submission of the learned counsel for the Petitioners is that though all the Petitioners except the Petitioner No.1 which is an organization are held to be eligible for the benefit under the said scheme, the contention is that the said Petitioners have been placed on a waiting list, as several persons who were ineligible under the said scheme have been shown as eligible.

3. In our view, before seeking a writ of mandamus, the Petitioners ought to have made a representation to the Authority which is competent to decide the issue of eligibility. Certain names of ineligible persons have been allegedly provided by the Municipal Corporation under the Right to Information Act, 2005 to the Petitioners vide letter dated 27th December 2017 and vide letter dated 18th January 2018, the Petitioners have asked the Municipal Corporation for more information concerning the

said ineligible persons.

4. The prayer made in this petition under Article 226 of the Constitution of India is for directing the Respondents to initiate inquiry as regards the allotment made to 6720 persons who are allegedly ineligible.

5. Such a sweeping relief cannot be claimed when the Petitioners have not even made a proper representation to the Municipal Corporation. The Respondent No.1 is the Competent Authority to decide the issue of eligibility for grant of the benefit under the said scheme. Hence, we decline to entertain this petition at this stage and dispose of the petition by passing the following order:

ORDER

- i) It will be open for the Petitioners to make an appropriate representation to the Respondent No.1 setting out the names of the persons who according to the case of the Petitioners are ineligible for grant of the benefits under the Jawaharlal Nehru National Urban Renewal Mission. The Petitioners shall also state the reasons as to why the said such persons are ineligible;
- ii) If such a representation is made by the Petitioners, the appropriate authority of the Respondent No.1 shall decide the representation as expeditiously as possible and preferably within a period of 4 month from the date on which the representation is made;
- iii) With the above directions, the petition is disposed of. All contentions raised by the parties are kept open;
- iv) All concerned to act upon an authenticated copy of this order.

(P.N. DESHMUKH, J)

(A.S. OKA, J.)