

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

WRIT PETITION NO. 2033 OF 2015

The People's Welfare and	}	
Educational Trust and Anr.	}	Petitioners
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. M. S. Kadu for the petitioners.

Mr. M. P. Jadhav-AGP for the
respondents.

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

DATE :- JANUARY 16, 2018

P.C. :-

1. Having heard Mr. Kadu at some length and perusing the writ petition so also the annexures with his assistance, we do not think that a writ of mandamus or any other appropriate writ, order or direction in the nature thereof can be issued to direct the respondent-State to take a final decision on the application of the petitioner for allotment of an identified piece and parcel of land belonging to the State. The petitioners may represent those, who are residing in a pitiable state and in shanties, particularly at an immovable property in a city like Mumbai admeasuring 62 acres and 13 gunthas. They may have a dream of a permanent housing accommodation for themselves. However, we do not see how a

mandamus can be issued to the State straight away allotting this piece and parcel of land to the petitioners. In any scheme of allotment of Government land or properties, in terms of the judgment of the Hon'ble Supreme Court in the case of *Akhil Bhartiya Upbhokta Congress vs. State of Madhya Pradesh and Ors.*¹, the State is obliged to allot such lands or properties to highest bidders and at a public auction. The allotment should be fair, transparent and free from any favouritism or nepotism and should be only by this process and there are exceptions carved out, but even with regard thereto, the Hon'ble Supreme Court has laid down some salutary and guiding principles. Therefore, as and when the decision to allot such lands are taken following the mandate of this judgment, it would be open for the petitioners to place their offer or bid for consideration of the Government.

2. We do not think that a court of law and particularly a writ court can issue a direction contrary to the principles laid down in the binding judgment of the Hon'ble Supreme Court.

3. The writ petition is entirely misconceived and it is, therefore, dismissed.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)

¹ AIR 2011 SC 1834