

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4463 OF 2018

Kisan S/o Laxman Gaikwad ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. V.D. Hon, Senior Counsel with Mr. A.V. Hon, Advocate
for Petitioner

Mr. K.B. Jadhavar, Assistant Government Pleader for
Respondent Nos. 1 and 2

Mr. C.A. Jadhav, Advocate for Respondent No. 3

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 27th FEBRUARY, 2019

ORAL ORDER:

1. We have heard Mr. Hon, the learned Senior Counsel for the petitioner, Mr. K.B. Jadhavar, the learned Assistant Government Pleader for Respondent No. 1 and Mr. Jadhav, the learned Counsel for the respondent No. 3.

2. The petitioner claims to be a Member of respondent No.3. The grievance is raised that the respondent No. 2 is using premises of respondent No. 3 and that the respondent Nos. 1 and 2 should not use funds, office premises and employees of respondent No. 3.

3. In fact, the Writ Petition ought not to have seen light of the day before this Court. The respondent No. 3 is supporting the cause put forth by the petitioner. In fact, it would be a dispute between the two arms of the

Government. Such litigation cannot be encouraged in the Court of law. The issue amongst them has to be settled on administrative side itself.

4. We are not inclined to exercise our jurisdiction under Article 226 of the Constitution of India in such matters. The Principal Secretary of Medical Education and Drugs Department, Mantralaya, Mumbai shall resolve the issue between respondent Nos. 2 and 3 and shall take appropriate decision with regard to the space within a period of three months from today.

5. Authenticate copy be given.

6. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

mta