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

WRIT PETITION NO.556 OF 2019

Rajendra s/o Ram Kadam,
Age: 62 years, Occ: Social worker,
R/o. Lohara, Tq. Lohara,
Dist. Osmanabad. ..PETITIONER

VERSUS

1. The State of Maharashtra,
Transport Department,
Mantralaya, Mumbai-32.
2. The General Manager
Central Officer, Mumbai
(Transport)
3. The Collector,
Osmanabad.
4. The Regional Manager,
Davison Aurangabad.
5. The Divisional Controller,
Osmanabad.
6. The Depo Manager
Tuljapur, Tq. Tuljapur,
Dist. Osmanabad. ..RESPONDENTS

Mr Nanabhau R. Thorat, Advocate for petitioner;
Mr V.S. Badakh, A.G.P. for respondent/State

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 16th JANUARY, 2019

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ORAL ORDER :

Heard learned Counsel appearing for the petitioners.

2. The petitioner is before this Court with basic prayer (B), which reads thus :

"(B) By issuing writ of mandamus or any other appropriate writ order or direction in the nature of writ of mandamus, kindly direct the respondents No.1 to 6 decide applications."

3. Learned Counsel appearing for the petitioner, in support of his submission, invited our attention to the documents placed on record. There are certain applications/representations submitted by the petitioner to respondent No. 2 General Manager, Central Office, Mumbai, respondent No.4 the Regional Controller and Hon'ble Minister. The petitioner, by way of representation dated 29th June, 2018 submitted to the General Manager i.e. respondent No.2, a reference to a statement made in

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the public speech in the year 1982. Then representation refers to purchase of certain land and it relates to the path construction of bus stand. The representation/application dated 29th June, 2018 concludes with a request to respondent No.2 to start/open depot at Lohara and then to release the land if it is purchased for project and if not utilized for the project.

4. The other representation/application dated 3rd August, 2018 and 31st October, 2018 is only reiteration of the contentions of the application/representation dated 29th June, 2018. The petitioner himself has placed on record a communication dated 9th August, 2018 at Exhibit-B. Perusal of this communication shows that the Divisional Controller i.e. respondent No.5 informed to the petitioner that 1 Hectar 74 Are land was acquired for construction of bus stand and on the very land, bus stand was constructed. Then it is informed to the petitioner that there is no official decision by the Corporation to start/open

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depot at Lohara. It also refers to consideration of request of the petitioner for operating services at Lohara-Osmanabad-Beed road and it states that proposal is already forwarded to the higher authorities and same is pending decision.

5. By the said communication, the petitioner is further requested not to take an extreme steps like indefinite fast. Thus, from the response of the authorities, it clearly reveals that every issue raised by the petitioner is properly and positively responded by the authorities and the authorities also requested the petitioner not to take extreme steps.

6. Now, insofar as the submission of learned Counsel that the bus depot is not started at the place Lohara, reliance is placed on the statement made by Hon'ble Minister in a public speech in the year 1982. There is nothing on record to show that there was authoritative and official decision taken by the corporation in that regard. On a statement

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in the public speech, without there being authoritative and official decision, insistence for acceding to the prayer of the petitioner for issuance of the direction to the respondents to start/open depot at Lohara cannot be entertained.

7. The respondents-authorities are certainly entitled to take such administrative decision considering all the various aspects, such as, viability, financial constraints, infrastructural facilities etc.

8. Considering these facts, we are of the opinion that the petition is thoroughly meritless and deserves to be dismissed at threshold and is accordingly dismissed.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE