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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 8856 OF 2021**

Mahatma Phule Multi Services. ...Petitioner.
*Versus*
The State of Maharashtra & Others. ..Respondents.

Mr. Subhash V. Gutte for the Petitioner.
Ms. M. S. Bane, AGP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.
**Date : December 13, 2021.**

P. C. :

1. Heard learned counsel for the Petitioner. The submission is that for a limited prayer, the Petitioner is approaching this Court. By inviting our attention to the documents placed on record, learned counsel for the Petitioner submitted that non decision on petitioner's representation had brought the Petitioner to approach this Court by filing Writ Petition No. 2616 of 2020. Vide order dated 1st April 2021, the division bench of this Court, by referring to the grievance raised in petition, particularly that a detailed representation filed to the authority on 16th August 2018 was kept pending, disposed of the said writ petition with a direction to the Respondents to decide the Petitioner's said representation expeditiously and in a time bound manner. All contentions raised in the writ petition were kept open.

2. It seems that prior to this petition, earlier also one writ petition was filed by the the Petitioner before Aurangabad Bench of this Court and the same was withdrawn.

3. Be that as it may, learned counsel for the Petitioner submitted that representation of the Petitioner has been decided by the Collector and copy of the order passed by Collector is placed on record at Exhibit-I (page no.58). The Collector, Mumbai City, Mumbai on considering the representation of Petitioner, issued certain directions to the office of Executive Engineer, PWD, City Division, Mumbai. The Collector directed the office of Executive Engineer to submit an action taken report to the office of Collector. Learned counsel submitted that in pursuant to the order of Collector, certain amount was disbursed in favour of the Petitioner and the grievance of Petitioner is of non payment of balance amount.

4. At the very first stage, we are really surprised to see the approach of a party who is filing writ petition in this Court for implementation of the order passed by division bench of this Court. What the Petitioner expects from this Court is that this Court should act as an executing Court. Though such an approach certainly cannot be appreciated, but for a peculiar reason we thought it fit to dispose of the

writ petition with following directions. The reason is that order passed by the Collector refers to the hasty action of Petitioner in the nature of threat to the authority wherein he had approached the office of Collector raising grievance of non payment and submitted to the Collector that if the amount is not paid, he would take an extreme step of either self-immolation or committing suicide. Certainly, such threat of Petitioner must have caused an apprehension in the mind of authority and the authority in turn would have passed the order hoping that post the order of authority, the Petitioner would not approach office of authority. Thus, in our opinion, a peculiar circumstance was created by the act of Petitioner. As there is an order passed by this Court directing the authority to decide the representation of Petitioner and the competent authority has decided the said representation also and as the authority to whom direction was issued is a party Respondent to Writ Petition No.2616 of 2020, and also to the present writ petition (namely, Respondent No.3), we deem it appropriate to dispose of the petition with direction to Respondent No.3 that in case Respondent No.3 has not initiated any action pursuant to the communication of Collector, Mumbai City dated 10th June 2021 till date, Respondent No.3 may take immediate steps to initiate the action and complete the same in pursuant to the Collector's order dated 10th June 2021, as early as possible. We further make it clear that this order of ours is passed on a peculiar circumstance

to which we have already referred to and the same shall not be treated as a precedent.

5. Needless to state that for redressal of such grievance, there are other efficacious remedies available under the provisions of law and the parties shall avail those remedies and shall not use the writ petition as a means and method for execution of orders of the subordinate courts and/or the authorities.

6. Writ petition stands disposed of.

**[S. M. Modak, J.]** **[Prasanna B. Varale, J.]**