

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

WRIT PETITION NO.5450 OF 2021

**BIBHISHAN MANIK KHOSE AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS**

...
Advocate for the Petitioners : Shri Yuvraj V. Kakade h/f Shri
Gaware Niteen V.

Standing Counsel for Respondent 1/ UoI : Shri S.S. Deve
AGP for Respondents 2 to 5 : Shri S.G. Sangle

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**CORAM : RAVINDRA V. GHUGE
&
S.G. DIGE, JJ.**

DATE :- 07th April, 2022

Per Court :-

1. By this Writ Petition, the petitioners, who own a gas agency by name Sai HP Gas Agency, have put forth prayer clauses B and C as under :-

“B) Issue a writ of mandamus or any other appropriate writ, orders, direction in the nature of writ of mandamus, directing the respondent No.3 Chief Conservator Officer of Forest (Wildlife) to conduct detail inquiry with regards to the illegalities committed and/or misappropriate funds at the hands of officers officiating in Forest Department at Karjat Taluka, Dist. Ahmednagar in allotment of LPG Gas connections to the beneficiaries in pursuance to the government resolution dated 21.09.2017 issued by the respondent No.1 and

to take stern action on account of said illegalities and for that purpose issue necessary orders.

- C) *Issue a writ of mandamus or any other appropriate writ, orders, direction in the nature of writ of mandamus, directing the respondents to adhere to the guidelines as issued by government resolution dated 21.09.2017 issued by the respondent No.1 with regards to allotment of gas connections under the scheme 'Dr.Shama Prasad Mukharji Jan-van Vikas Yojna' hence forth and for that purpose issue necessary orders."*

2. Considering that the petitioners seek the issuance of a writ of mandamus under Article 226 of the Constitution of India, we called upon the learned advocate for the petitioners to state as to whether, they have approached the Chief Conservator of Forest through whom "Dr.Shyama Prasad Mukherjee Jan-Van Vikas Yojna" under the Government Resolution dated 21.09.2017 is to be implemented. It is stated that these petitioners have not voiced their grievance before any authority till today. It is only that the notice to start a fast unto death, was issued by petitioner No.1 to the Range Forest Officer.

3. Considering the above and keeping in view that a writ of mandamus cannot be issued in a matter in which, the petitioners have not even made an effort to voice their grievance

before the competent authority, this writ petition cannot be entertained. In the event, such a representation is put forth and the competent authority refuses to exercise the jurisdiction duly vested in it by law, the petitioners would then be justified in seeking the issuance of a writ of mandamus to the authority to exercise the jurisdiction that is vested in it by law.

4. As such, this Writ Petition is disposed off with liberty to approach the competent authority for putting forth the grievance of the petitioners.

kps (S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)