

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8616 OF 2022

NISARODDIN MUNIRODDIN KAVIJANG JAHAGIRDAR
SARAMJAMDAR ..PETITIONER

VERSUS

THE GOVERNOR OF MAHARASHTRA HIS EXCELLENCY AND
OTHERS ..RESPONDENTS

...

Mr. P. E. Ramteke, Advocate for the Petitioner.
Mr. A. R. Kale, AGP for Respondents-State.

...

CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.

DATED : 30th AUGUST, 2022.

PER COURT:-

1. The learned Advocate for the petitioner is present before us today, after we passed an order that this matter would be listed for passing dismissal order on account of his absence in this proceeding.

2. The petitioner has put forth prayer
Clauses (A) and (B) as under:

“(A) Issue Writ of Mandamus and or appropriate Writ or order in the like nature thereby direct the respondent no.2 to decide the representation/application made by the petitioner (Exhibit-G) and for that purpose

necessary order be pass.

(B) Issue Writ of Mandamus and or appropriate Writ or order in the like nature thereby direct the respondent no.2 to decide the representation/application made by the petitioner (Exhibit-G) within stipulated period and for that purpose necessary order be pass.

3. We have perused the document at page nos.33 to 41, which is in the form of an application addressed to the Hon'ble Governor of the State of Maharashtra. The past history of the ancestors of the petitioner is narrated. He submits that his ancestors were Saramjamdars and they had Red DV lamp and Amber DV lamp (Red Beacon, Blue Max) for being installed on their vehicles. They had grant of crown and were in-charge of certain lands. They used to collect taxes and deposit the said taxes during the 'Marathe Shahi' and 'Peshave Shahi'. At page no.39 onwards, the petitioner submits that the Hon'ble Governor should resume and re-grant the Saramjam Shahi to Mir Sharifoddin son of Mir Ajimoddin Kavijang Jahagirdar and thereafter, the Hon'ble Governor should nominate the petitioner as a Member of the Legislative Council.

4. When called upon to explain as to which is the provision of law under which the petitioner has made the application to the Hon'ble Governor and seeks a Writ of Mandamus in the nature of a direction to the Hon'ble Governor to decide his representation dated 04.09.2020, the learned Advocate for the petitioner submits that he is not aware of any such provision.

5. We have perused the pleadings set out in the memo and we do not find any provision of law having been cited or relied upon for making such an application.

6. In view of the above, we do not find that it would be appropriate for this Court to consider the request to issue an order or direction to the Hon'ble Governor to decide the representation filed by the petitioner.

7. The learned Advocate for the petitioner submits that atleast the Chief Secretary may be directed to deal with the representation of the

petitioner. It is settled law that a Writ of Mandamus can be issued only when an authority, duly vested with the statutory jurisdiction, is declining to exercise the jurisdiction vested in it by law. The petitioner is unable to point out any provision of law which would mandate the Chief Secretary to consider the representation and pass an appropriate order.

8. In view of the above, this petition is dismissed.

9. The learned A.G.P. submits that there have been few such petitions filed in this Court earlier and which have been dismissed. He, therefore, prays for imposing heavy cost on the petitioner. The learned Advocate for the petitioner submits that the petitioner is a senior citizen and has no source of income. Therefore, we are not imposing cost.

(ARUN R. PEDNEKER)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE