

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

905 WRIT PETITION NO.45 OF 2022
NAMICHAND KASTURCHAND PATODI
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.A.R.Syed
AGP for Respondent-State : Mr.A.R.Kale

...
**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**
DATE : 05.01.2022

P.C. :

1] Mr.Syed, learned counsel for the petitioner submits that the respondents be directed to consider the representation of the petitioner. The Headmaster of respondent no.5 School had approached the petitioner for taking the land on lease for running Ashram School on temporary basis. The petitioner had constructed a building for running Ashram School. The proposal was forwarded by the Project Officer to the Higher Authority; now they are not shifting the school at the petitioner's place. The school is shifted in the Government premises as the petitioner has constructed building for running Ashram School.

2] Learned AGP opposes the petition and submits that many disputed question of facts are involved. There is nothing on record to establish an agreement between the parties.

3] In the present petition, we do not find construction permission being placed on record, moreover we also do not find on record concluded contract between the parties. The petitioner is claiming compensation on the ground that the Headmaster of respondent no.5 had approached him for construction of building to run Ashram School on temporary basis. According to the learned counsel of the petitioner, the petitioner is entitled for Rs.50 lac. There is nothing on record to come to the conclusion that amount is payable by the respondents and receivable by the petitioner.

4] In the light of that, writ jurisdiction under Article 226 cannot be exercised. The petitioner, if he has cause of action and actionable claim, may approach the Competent Authority/Forum. In that event, all the contentions of the parties are kept open.

5] Writ Petition is disposed of.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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