

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1142 OF 2022

Pramod Abhimanyu Kharatmal & Anr. ... Petitioners.
V/s.
The State of Maharashtra, through
the Secretary & Others ... Respondents.

Mr. Balaji Shinde, for the Petitioners.
Mr. S.B. Kalel, AGP, for the Respondent-State.
Mr. Rupesh Bobade, for Respondent Nos. 3 & 4.

**CORAM : NITIN JAMDAR AND
AMIT BORKAR, JJ.**

**DATE : 4 FEBRUARY 2022.
(Through Video Conferencing)**

P.C. :

This petition seeks simplicitor direction to Respondent Nos. 3 and 4 to decide the representation of the Petitioners.

2. Learned Counsel for the Petitioners has drawn our attention to the representation dated 29 November 2021. We note that this writ petition is filed immediately on 6 December 2021, within seven days.

3. This is an abuse of process of law. The Petitioners seek a writ

of mandamus which is predicated on the premise that there is a failure of duty on the part of the Authorities. To infer that there is a failure of duty in deciding the representation the delay should be a gross delay. A time span of one week cannot be considered as a gross delay so as to warrant issuance of writ. Such frivolous petitions clog the system taking judicial time, which can be utilised in addressing genuine and pressing causes.

2. We, therefore, dismiss this petition with costs of Rs. 5,000/- to be paid to the Legal Services Authority within period of one week from today.

3. We, however, make it clear that this order does not mean that the representation should not be decided at all but it would be decided within reasonable time subject to other pressing public duties the Respondent – Authorities would have.

(AMIT BORKAR, J.)

(NITIN JAMDAR, J.)