

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

WRIT PETITION NO.10777 OF 2023

**SHAFIQ SHABBIR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Shri Shelke Manoj Uttamrao
AGP for the Respondents/State : Shri P.K. Lakhotiya
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRADE, JJ.**

DATE :- 01st September, 2023

Per Court :-

1. The District Collector passed an order on 14.08.2023. The Petitioner has rushed to this Court on 22.08.2023.

2. On the sixth day of passing of the order by the District Collector, this petition is filed seeking a Writ of Mandamus from this Court praying that the order of the District Collector be implemented. Hardly any breathing time has been given to the Respondent Authorities, who are supposed to implement the order. Entertaining a Writ Petition for issuance of

a Writ of Mandamus, in such circumstances, would amount to abuse of process of law.

3. A Writ of Mandamus to the statutory authority is actually a discredit to that authority since it is presumed that the High Court was satisfied that the statutory authority has failed in it's duty in exercising jurisdiction duly vested in it by law. It is our responsibility to assess as to whether a Writ of Mandamus needs to be issued in the facts and circumstances of the case.

3. In view of the above, we do not find that this Writ Petition deserves to be entertained. **The same is disposed off.**

4. Nevertheless, the Petitioner is at liberty to approach either the District Collector or Respondent No.7/Tahasildar to speedup the process as set out in the order at issue.

kps (Y. G. KHOBRAGADE, J.) (RAVINDRA V. GHUGE, J.)