

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14817 OF 2023

Ravindra Bandu Sawant

.. Petitioner

Vs.

The State of Maharashtra,

Through the Principal Secretary,

Urban Development Department and Ors.

.. Respondents

Mr. P.A. Pol, with Mr. Ranjit S. Hatkar, i/by Pol Legal Juris, for the Petitioner.

Mr. N.C. Walimbe, Addl. G.P., with Mr. R.P. Kadam, AGP for Respondent No.1 – State.

Mr. Anil Anturkar, Sr. Advocate, i/by Mr. Sugandh Deshmukh, for Respondent Nos.2 and 3.

Mr. A.A. Kumbhakoni, Sr. Advocate, i/by Mr. Irvin D’Souza, for Respondent No.4.

**CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ**

DATE : 15TH DECEMBER, 2023.

P.C. :

1. We have heard the learned counsel for the parties. The petitioner seeks to challenge the appointment of the 4th respondent on the post of the “Deputy Commissioner” by urging that the same is against interest of public but without claiming any relief for himself.

2. On behalf of respondent no.4, Mr. Kumbhakoni, learned Senior Advocate, and Mr. Anturkar, learned Senior Advocate for respondent nos.2 and 3, raised preliminary objection to the maintainability of the Writ Petition. In the

light of what has been held by the Hon'ble Supreme Court in *Dattaraj Nathuji Thaware Vs. State of Maharashtra and Ors.*, (2005) 1 SCC 590 and the Division Bench of this Court in *Arun Yashwant Kulkarni Vs. State of Maharashtra and Ors.*, 2021(4) Mh.L.J. 613, we do not find that the prayers made in this Writ Petition can be considered without any legal injury being caused to the petitioner and as no consequential relief is sought by him. Pleadings in the writ petition also do not indicate the locus of the petitioner to maintain the writ petition. The Writ Petition accordingly stands dismissed as not maintainable.

3. The learned counsel for the petitioner submits that on 26th September 2023, an application has been filed before respondent no.1 seeking to invoke provisions of Section 451 of the Maharashtra Municipal Corporations Act, 1949. The petitioner is free to pursue the said application before the respondent no.1 in accordance with law.

[FIRDOSH P. POONTIWALLA, J.]

[A.S. CHANDURKAR, J.]