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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

VASANT
ANANDRAO
IDHOL

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WRIT PETITION NO.2027 OF 2023

Yogen N. Joshi & Anr. ...Petitioners
V/s.
Brihanmumbai Municipal Corporation & Ors. ...Respondents

Mr.Niranjan Mogre for the Petitioners.

Mr.Kunal Waghmare for the Respondent – BMC.

Mr.Avinash Joshi with Mr.Shivam Chitlangia for Respondent Nos.3
and 4.

CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ.
DATE : 1ST AUGUST, 2023.

P.C. :-

1. Heard.
2. By this Petition, the Petitioners are seeking two reliefs, one regarding cancellation of license granted by Respondent Nos.1 and 2 to Respondent Nos.3 and 4 for running a Nursing Home and the other relating to initiation of the criminal prosecution against Respondent Nos.3 and 4 under the provisions of the Maharashtra Nursing Homes Registration Act and also various provisions of the Indian Penal Code and other Penal Laws.
3. Insofar as the second prayer is concerned, this Court has

no jurisdiction and therefore, this Petition cannot be entertained.

4. As regards the first prayer, we find that no representation whatsoever has been made by the Petitioners to Respondent Nos.1 and 2 seeking cancellation of the license and the Petitioners have directly approached this Court with a prayer for issuing mandamus against Respondent Nos.1 and 2 for cancellation of the license. Without any representation having been made by Respondent Nos.1 and 2 and an appropriate order having been passed thereon, this Petition could not have been filed by the Petitioners. Presently there is no cause of action, which has accrued to the Petitioners in the present matter. The Petition has been filed prematurely. The Petition is dismissed accordingly.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)