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

WRIT PETITION NO. 12809 OF 2024

AASARAM DHONDIBA JAHARWAL

VERSUS

**THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
ADDITIONAL SECRETARY AND OTHERS**

...

Shri Biradar Ramrao D., Advocate for the Petitioner.

Ms. V.N. Patil Jadhav, AGP for Respondent Nos.1 to 4/State.

...

CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 26th November, 2024

Per Court :-

Heard.

2. The petitioner is before us being aggrieved and dissatisfied by the recovery sought to be made from him in the form of penalty/rent for unauthorised occupation of official residence/ quarters at Chhatrapati Sambhajinagar amounting to Rs.10,87,672/-.

3. At the outset, it is necessary to note that with the same grievance the petitioner was before this Court in Writ Petition No.5953/2016. By the order dated 13.06.2016 his substantive petition was rejected. Only by way of indulgence, it

was observed that if he made certain applications/representations, it should be considered and decided. It is pursuant to such indulgence that a decision has been taken and penalty has been confirmed.

4. Since the right of the petitioner to oppose such recovery has already been directly and substantially under consideration of this Court in earlier round of litigation and his petition was rejected by this Court on 13.06.2016, that decision would estop him from putting up challenge to the recovery sought to be made, by preferring the present petition, rather it would be gross abuse of process of law.

5. As is observed above, while rejecting the Writ Petition, it was merely expressed by the previous Bench that if the petitioner would make a representation or application, it should be considered. It is in the light of such state of affairs, we are refusing to entertain the Writ Petition. The Writ Petition is dismissed.