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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.694 OF 2015

M/s.Kausar Baug Co-operaive Housing Society & Anr...Petitioners.

V/s.

State of Maharashtra & Ors.

..Respondents.

Mr.Ravindra K.Adsure i/b. Mr.Sidheshwar N. Biradar for the petitioners.

Mr. Manoj Badgujar i/b. A.P. Kulkarni for the respondent Nos. 1 to 5.

Mr.S.G.Karandikar with Ms.Manjiri Sharad Parasnis for the respondent Nos.6 to 10.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.**

DATED : 20TH FEBRUARY, 2015

P.C. :-

1. Heard learned counsel appearing for the petitioners. Perused the prayers made by the petitioners in the pending Civil Suit No.1260/14, to which the respondent Nos.6 to 10 are parties. As far as prayer clauses (b) and (d) of this petition are concerned, we find from the plaint that similar reliefs have been claimed therein. As far as prayer clause (c) is concerned, there is no averment in this petition pointed out by the learned counsel appearing for the petitioners that the petitioners have applied to the third and fourth respondents requesting them to prepare a revised detailed common map. This Court cannot issue a writ of mandamus in terms of prayer (c) as the petitioners ought to have approached the concerned authorities by filing appropriate

application before filing of this petition.

2. As far as prayer clause (e) is concerned, the learned counsel appearing for the petitioner states that he has advised the petitioners to adopt an appropriate remedy.

3. Subject to what is observed above, no case is made out to entertain this petition under Article 226 of the Constitution of India. We accordingly dispose of this petition. We make it clear that no adjudication is made on merits of the controversy.

(A.K.MENON, J.)

(A.S.OKA, J.)