

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9800 OF 2014**

Ramesh Bhika Shinde	...Petitioner
Versus	
The Agricultural Officer & Ors.	...Respondents

Mr. Hrishikesh Giri i/b Mr. Prashant Mohan Patil for the Petitioner

Ms. Gauri Rao, A.G.P for the Respondent-State

CORAM : A. S. OKA AND
REVATI MOHITE DERE, JJ.

TUESDAY, 16th JUNE, 2015

P.C. :

1. Time is sought on behalf of the petitioner.
2. We have carefully perused the memorandum of petition. The substantive prayer is for issuing a writ of mandamus directing the second respondent-State of Maharashtra to take action against the first respondent, who is the Agricultural Officer. The second substantive prayer is to appoint a Committee to inquire into the allegations of misappropriation against the first respondent.

3. This petition seeking writ of mandamus could not have been filed without the petitioner making a grievance in writing/representation before the concerned Authorities. The petitioner could have approached the writ Court for seeking a writ of mandamus only after making a demand to the concerned Authorities and that also after the failure of the concerned Authorities to comply with the demand.

4. There is not even an averment in the petition that any representation or complaint was made by the petitioner calling upon the appropriate Authority of the second respondent to take action.

5. Therefore, at this stage, we decline to entertain this petition under Article 226 of the Constitution of India. However, it will be open for the petitioner to make appropriate representation to the appropriate Authority of the State Government. If such a representation is made, the same shall be decided in accordance with law.

6. Subject to the above direction, the petition is disposed of.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)