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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 691 OF 2015

Rajesh P. Thakur ... Petitioner
Vs.
Nehru Nagar Ratnadeep
Cooperative Housing Society Limited ... Respondents

Mr. Sudan Amare, for the Petitioner.
Mr. Madhav J. Jamdar for Respondent No.1
Mr. S.S. Kulkarni for Respondent No.2
Mr. D.A. Nalawade, GP for Respondent No.5.

CORAM : V. M. KANADE, AND
M. S. SONAK, JJ.

DATE : APRIL 23 , 2015

P. C.

1] Heard learned counsel appearing on behalf of the petitioner.

2] The petitioner is seeking an appropriate writ, direction or order directing the respondent No.2 to execute individual agreement with the petitioner providing an alternate accommodation ad-measuring area of 614 sq.ft. alongwith one parking area to accommodate one car and a two wheeler as agreed in the offer letter dated 26 July 2010 and for consequential reliefs namely directing the respondent No.2 to pay compensation of Rs.18,000/- per month for a

period of one year and further increase by 25% for the second year and further increase by 25% for the third year.

3] In our view, this Court in a petition filed under Article 226 of the Constitution of India, cannot decide the disputed questions of fact. In fact, by this petition the petitioner is seeking an order of specific performance of the offer letter dated 26 July 2010 given by the respondent No.2 to respondent No.1, which relief cannot be granted by a writ Court.

4] It is an admitted position that the petitioner has already been dispossessed. It is submitted that the police be directed to investigate the offence committed by the member of the Committee. In our view, this Court cannot give such directions while exercising its writ jurisdiction under Article 226 of the Constitution of India. However, liberty is granted to the petitioner to file an appropriate proceedings before the appropriate Forum including filing of the petition under criminal writ petition on the appellate side.

5] All contentions raised by the petitioner as well as the respondents, in this petition, are kept open.

6] In view of above, present petition is disposed of.

[M. S. SONAK, J.]

[V. M. KANADE, J.]