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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5454 OF 2016

Shri. Mahemood Maheboob Shaikh	... Petitioner
Vs.	
The State of Maharashtra and Ors.	... Respondents

Mr. Subhash V. Gutte for the Petitioner.
Mr. V.P. Malvankar, AGP for the Respondent Nos.1 to 3.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 12th JANUARY, 2017

P.C.

. **Not on board. Taken on board.**

1 Heard the learned counsel appearing for the petitioner. Going by the case made out in the Petition and the documents annexed to the Petition, the Petitioner was a Member of the Maharashtra Legislative Council. He relies upon a recommendation made by the Chief Promoter of a proposed Co-operative Housing Society to the Chief Executive Officer of the Mumbai Area Housing Development Board for issuing temporary letter of intent for allotting flats to the petitioner and other Members of the Legislature named therein. Thereafter, on 21st February, 2015, the petitioner made an application to the Hon'ble Minister of Housing of the Government of Maharashtra making a grievance about injustice done to him by the Society and seeking a

direction to the Society to allot the flat. The petitioner is also relying upon a representation made by him on 9th November, 2011 to the Hon'ble Minister of the Department of Co-operation who was incidentally the Chief Promoter of the Society against whom the petitioner has a grievance.

2 The petitioner is relying upon the letter dated 21st February, 2015 addressed by him to the Hon'ble Minister of Housing. The learned counsel appearing for the petitioner is unable to point out any provision of law which grants power to the Hon'ble Minister to issue a direction to the concerned Society for allotting a flat.

3 At this stage, the learned counsel appearing for the petitioner states that he is seeking relief not against any Society, proposed or otherwise, and the Hon'ble Minister but against the fifth respondent who is the Chief Executive Officer of the Mumbai Housing Area Development Board. We find that before seeking a writ of mandamus, the petitioner has not demanded justice from the concerned Authority. We, therefore, decline to entertain this Petition under Article 226 of the Constitution of India and the Petition is rejected. However, rejection of the Petition will not preclude the petitioner from making appropriate representation to the concerned Authority.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)