

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1204 OF 2016

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Ms.Devki R. Sahu i/b Shri A.M.Saraogi for the Petitioner.
Shri K.R.Trivedi, AGP for the Respondent No.1.
Ms.Vandana Mahadik for the Respondent No.2.

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CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ

DATED : 15TH JUNE 2017

P.C.:

1. Learned counsel appearing for the Petitioner seeks time. The prayer in this Writ Petition under Article 226 of the Constitution of India is for issuing a writ of mandamus directing the second Respondent to take action of demolition in respect of illegal construction described in prayer clause (a). There is nothing placed on record to show that before seeking a writ of mandamus by filing the present Writ Petition, the Petitioner called upon the Mumbai

Municipal Corporation to perform its obligation of demolition of alleged illegal structure. Before seeking a writ of mandamus, the Petitioner ought to have made such a demand to the Municipal Corporation.

2. Therefore, in the light of the law laid down by the Apex Court in the case of *Saraswati Industrial Syndicate Limited & Others v. Union of India*¹, we decline to entertain this Petition. The Petition is disposed of. However, it will be open for the Petitioner to make an appropriate representation to the appropriate authority which shall be considered and decided in accordance with law.

(SMT.VIBHA KANKANWADI, J)

(A.S.OKA, J)

1 (1974)2 SCC 630