

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (L) NO.522 OF 2018**

Jasmine Co-operative Housing Society Ltd. ..Petitioner.

V.

The Municipal Corporation of Greater Mumbai  
and others ..Respondents.

Mr. P.P. Kulkarni, for the petitioner.  
Mr. Sandeep Maurya for the respondent No.3.  
Mrs.K.H. Mastakar, for the respondent Nos.1 and 2.

**CORAM : A.S. OKA &  
RIYAZ I. CHAGLA, JJ.**

**DATE : 12<sup>th</sup> MARCH, 2018**

P.C.

. Not on board taken on board.

1        Heard the learned Counsel appearing for the petitioner. Perused  
the prayer clauses (a) and (b) which are the only substantive prayers.  
The allegation is that certain illegal work has been carried out by the 3<sup>rd</sup>  
respondent and that the 1<sup>st</sup> respondent Municipal Corporation has not  
taken any action.

2 Before seeking a writ of mandamus from this Court enjoining the  
1<sup>st</sup> respondent to take action, the petitioner ought to have made a  
representation to the 1<sup>st</sup> respondent pointing out the nature of illegal  
construction or illegal structure and called upon the 1<sup>st</sup> respondent to  
take action in accordance with law.

3           The petitioner has not made such a representation. Hence, we cannot entertain this petition under Article 226 of the Constitution of India. The petition is accordingly disposed off. It will be open for the petitioner to make appropriate representation to the 1<sup>st</sup> respondent which shall be considered and decided expeditiously.

**(RIYAZ .I.CHAGLA, J)**

**(A.S. OKA, J)**