

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 139 OF 2017**

Namita Ganoji Pawar

...Petitioner

vs.

Anand-dham Co-op. Hsg. Society Ltd. & ors.

...Respondents

Mr. R.U. Dholakia i/b. Vijay Singh for the Petitioner.

Mr. Manish Upadhye, AGP for the State.

Mr. Sampatrao Pawar for Respondent No.1.

**CORAM : A.A. SAYED &
M.S. KARNIK, JJ.**

DATE : AUGUST 6, 2018

P.C.:

The Petition has been filed for seeking following reliefs :-

a) That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other Writ, Order or direction in the nature of Mandamus directing the Respondents to take such further action as merited in law.

b) The allotment of flats of The Anandham Co-operative Housing Society Ltd. dated 29/6/2014 (Ex."H") carried out by the Managing Committee be declared as null and void and cancelled.

c) The Hon'ble Court direct the Society / Respondent No.1 the allotment of flats of The Anandham Co-operative Housing Society Ltd. be carried out as per the norms/circular/resolution of Government of Maharashtra dated 3/1/2009.

or

d) The Anandham Co-operative Housing Society Ltd. be directed to allot a flat No. 903 or No.1003 in the society's building 'B' wing, front side of internal main road to the Petitioner.

- e) *Pending the hearing and final disposal of the petition the operation of allotment of flats dated 29/6/2014 (Ex."H") be stayed.*
- f) *The Respondent No.2 be directed to obtain Occupation Certificate from the MCGM of the society's building.*
- g) *The cost of this Petition be provided.*
- h) *Any other orders may be granted as this Hon'ble Court may deem fit and proper.*

2. *Reply has been filed by the Respondent - Society wherein it is stated that Flat No.B-1001 is allotted to the Petitioner on 29th June, 2014 and the same is accepted by her and that she has subscribed her signature on the allotment letter. It is further stated that allotments had already been made to 119 members. We note that the allotments were made sometime in June, 2014, whereas the present Petition has been filed in the year 2016. We are now in the year 2018.*

3. *In light of the above, we are not inclined to exercise extraordinary writ jurisdiction of this Court and entertain the Petition. The Petition is accordingly dismissed. No costs.*

(M.S. KARNIK, J.)

(A.A. SAYED, J.)