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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1584 OF 2018

Suresh S/o Motilal Saraogi ...Petitioner
vs.
State of Maharashtra & Ors. ...Respondents

Mr.Anand Mishra I/b Mr.A.M.Saraogi for the
Petitioner
Mr.L.T.Satelkar, AGP for the respondent-State
Mr.Saurabh Chhabaria I/b Ms Manisha Jagtap for
respondent No.2
Ms Sanjana Das I/b Mr.P.S.Mhaske for respondent No.5

CORAM : A.S.OKA, &
M.S.SANKLECHA, JJ.
DATE : MARCH 14, 2019

P.C.:

1 The only prayer in this petition seeking a writ
of mandamus is prayer clause (a) which reads thus:

"(a) that this Hon'ble Court be pleased to issue appropriate writ, order and direction directing the Respondents to forthwith acquire the property being the property known as Dayanand Kutir situated at 23A, Doongarshi Road, Mumbai-400 006 carry out re-construction of the building and re-accommodate the Petitioner in such new constructed building within a stipulated time on such terms as this Hon'ble Court may deem fit and proper."

2 Perusal of the averments made in this petition show that the petitioner has not even called upon the first and second respondents to exercise the statutory power for acquiring the subject property. Before approaching a Writ Court by filing a Writ Petition under Article 226 of the Constitution of India, the petitioner ought to have made a representation before the concerned Authorities calling upon them to exercise their statutory power.

3 Therefore, at this stage, we decline to entertain this petition and the same is accordingly disposed of. Disposal of this petition will not prevent the petitioner from making appropriate representation to the concerned Authority.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)