

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2336 OF 2014
a/w
NOTICE OF MOTION NO.339 OF 2014
IN
NOTICE OF MOTION NO.302 OF 2014
IN
WRIT PETITION NO.2336 OF 2014

S.G.P Barnes

... Petitioner

Vs.

The Commissioner of BMC & Ors.

... Respondents

Ms.S.G.P Barnes, Petitioner-in-person, present
Ms.Shobha Ajithkumar for Respondent

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 4th FEBRUARY, 2015

P.C.:

By this petition, the petitioner has sought a direction to the respondents to supply the record and documents in respect of the shop and establishment licence of shop No.1 in Palm Acre Cooperative Society, Vakola village. The petitioner also seeks a direction to the respondents to supply the records and documents pertaining to Shri Shetty, the owner and hotelier of shop Nos.1, 2 and 3. A direction is sought against the respondent Nos.5, 6 and 7 to deposit the amount received by them by the sale of shop No.1.

It is the case of the petitioner that shop No.1 in Palm Acre Cooperative Society was owned by the father and the mother of the petitioner. The father and the mother of the petitioner are no more and according to the petitioner, after the death of the father and the mother, though they had not made any will bequeathing shop No.1 in favour of his other issues, the respondent Nos.5, 6 and 7, the brothers and sisters of the petitioner, had illegally sold the shop to Mr.R.B. Shetty. It is stated that the respondent Nos.5 to 7 had no right to sell the shop. According to the petitioner, though the petitioner had sought for the documents pertaining to the shop and establishment licence of shop No.1, the respondents have not supplied the said documents to the petitioner. Also, the respondents have not supplied the documents in respect of ownership of Shri R.B. Shetty to shop Nos.1, 2 and 3. In the aforesaid set of facts, the petitioner has filed the instant petition, seeking the aforesaid reliefs.

We are afraid, the reliefs sought in the instant petition cannot be granted in exercise of the writ jurisdiction. It appears that the dispute is of civil nature and it was necessary for the petitioner to have filed proceedings in a civil Court. If the documents were not supplied to the petitioner, the petitioner could have sought the same by taking recourse to

the provisions of the Right to Information Act. No direction can be issued by this Court in exercise of the writ jurisdiction to supply the documents of ownership in the name of Shri Shetty and a direction also cannot be issued to the respondent Nos.5 to 7 to give the accounts in respect of the sale proceeds pertaining to shop No.1.

Since several disputed questions of facts are involved in this Writ Petition, we dismiss the writ petition with no order as to costs.

With the dismissal of the Writ Petition, the Notices of Motion also stand disposed of.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)