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

WRIT PETITION (L.) NO.3162 OF 2015

Mr. Pradeep Mauji Gogri	... Petitioner
Versus	
Mumbai Municipal Corporation and Anr.	... Respondents

Mr. M.V. Rajput i/by Uday P. Warunjikar, for the Petitioner.

Mrs. Shobha Ajitkumar, for the Respondent Nos.1 and 2.

**CORAM : A.S. OKA &
G.S. PATEL, JJ.**

DATE : 30TH NOVEMBER, 2015

PC.

. **Not on board. Taken on board.**

. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the Municipal Corporation. The Petitioner by this Writ Petition under Article 226 of the Constitution of India is seeking to restore the possession of the stall allegedly held by him at Dada Saheb Phalke Road, Dadar (E). We have perused the documents relied upon by the Petitioner in support of this Petition. We have perused a copy of license at Exhibit-'A'. The address mentioned of the place of business in the said document is Sane Guruji Marg, Near MAAD Building, Lalbaug, Mumbai. He is relying upon the bill issued by

the Mahanagar Telephone Nigam Limited containing the address of the Dada Saheb Phalke Road. Considering the address mentioned on the license relied upon by the Petitioner, we find that this Petition involves disputed questions of fact. Hence, the appropriate remedy is to approach the Civil Court. We, therefore, dispose of the Petition by granting liberty to the Petitioner to approach the Civil Court.

(G.S. PATEL, J)

(A.S. OKA, J)