

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

WRIT PETITION NO. 1645 OF 2014

Mr. Prabhu Devandas Chauhan	}	Petitioner
		versus
Mr. Vishwas Mote and Anr.	}	Respondents

Mr. Jamshed Ansari for the petitioner.
None for the respondents.

**CORAM :- S. C. DHARMADHIKARI &
A. A. SAYED, JJ.**

DATED :- MARCH 9, 2016

P.C. :-

The question as to whether the tea stall of the petitioner and as alleged has been illegally confiscated by the Municipal Corporation of Greater Mumbai though it was situate on a private property raises a disputed question of fact. All parties necessary for the resolution of that dispute would have to be before the court. In such circumstances, we do not think that the writ petition is the remedy for the petitioner to proceed and recover either an amount equivalent to the expenses incurred for putting up a tea stall or to seek a mandatory direction so that the tea stall is reconstructed at the same site. All such reliefs can be obtained by filing a suit in a competent civil court. We do not think that a writ petition can be entertained for such relief. It is, therefore, dismissed.

(A.A.SAYED, J.)

(S.C.DHARMADHIKARI, J.)