

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 10163 OF 2017

Mr. Suryakant Sangram Kamble ... Petitioner

The Municipal Corporation of Greater
Mumbai & Ors. ... Respondents

...

Mr. Noman A. Jafri for the Petitioner.

Mr. S. K. Dubey for the Respondent No.3.

Ms. Oorja Dhond for BMC – Respondent Nos. 1 and 2.

**CORAM : SMT. VASANTI A NAIK &
RIYAZ I. CHAGLA , JJ.**

DATE : 9th NOVEMBER, 2017.

P.C. :

By this writ petition the petitioner seeks a direction against the respondent nos. 1 and 2 – Authorities, to hold that the petitioner is eligible for alternate accommodation and the eligibility certificate granted to the respondent No. 3, be cancelled and set aside. The petitioner seeks action against the respondent No. 3 for cheating and misrepresentation.

It is the case of the petitioner that though the petitioner has purchased the hutment from the respondent no. 3, the respondent No. 3 had mischievously and fraudulently submitted the documents pertaining to the petitioner, to the respondent nos. 1 and 2 authorities to prove his eligibility. It is stated that when the petitioner approached the respondent Nos. 1 and 2 for seeking the

eligibility certificate, he was informed that the documents sought to be produced by the Petitioner were already submitted by the respondent No. 3 and the eligibility certificate was granted to him.

In the circumstance of the case, we are not inclined to issue the direction, as sought by the petitioner, in exercise of writ jurisdiction. The question of cheating, misrepresentation and fraud as is allegedly practiced and played by the respondent no. 3, cannot be decided in exercise of writ jurisdiction. If the petitioner is aggrieved by the grant of eligibility certificate to the respondent No. 3 and claims the eligibility certificate for himself, the petitioner may move the appropriate forum for relief, if so advised. The prayers made in the writ petition, however, cannot be granted, by entertaining a writ petition.

Hence, by keeping all the points raised in the writ petition open, we dispose of the same with no order as to costs.

(RIYAZ I. CHAGLA, J.)

(SMT. VASANTI A. NAIK, J)