

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

WRIT PETITION NO. 13077 OF 2017

Shamim F Ahmed

... Petitioner.

Versus

Ulhasnagar Municipal Corporation
and others

... Respondents.

....

Ms. Meenal Chandanani i/b. Mr. Jaiwant S. Chandanani for the
Petitioner.

Mr. Rajendra S. Desai for Respondent Nos. 1 to 3.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 07th December, 2017.

P.C. :

By this writ petition, the petitioner seeks a direction against the Respondent No.2-Commissioner of the Ulhasnagar Municipal Corporation to allot the town hall to the petitioner in pursuance of his application dated 30.06.2017 for conducting the annual-day function of the school.

It is the case of the petitioner that though the petitioner had made an application to the Commissioner of Ulhasnagar Municipal Corporation on 30.06.2017 for the grant of town hall for the purpose of annual-day function, the respondent no.2 has illegally conveyed to the petitioner vide communication dated 15.11.2017 that the town hall cannot be granted to the petitioner on

24.12.2017 as the petitioner did not follow up the application. It is stated that the respondent no.4 had made the application, after the petitioner had made the application on 30.06.2017 but the town hall is illegally allotted to the respondent no.4. It is stated that when the petitioner had visited the office of the Corporation he was orally informed that the town hall would be allotted for the school function and therefore with a bonafide belief that the town hall would be allotted for the purpose of the programme on 24.12.2017, the petitioner has made the necessary preparations.

The submissions made on behalf of the petitioner are denied by the Corporation. It is stated on behalf of the Corporation that after making the application on 30.06.2017, the petitioner did not follow up the application and therefore the application was 'filed'. It is stated that after making the application on 30.06.2017 the petitioner did not contact the respondents till 25.09.2017. It is stated that since the petitioner did not show interest in securing the town hall after the application was made on 30.06.2017, the impugned communication was served on the petitioner and the town hall was allotted to the respondent No.4.

Since several disputed questions of facts arise in this writ petition, it would not be possible to decide the issues involved in the same in exercise of the writ jurisdiction. The case of the petitioner that the petitioner had approached the Corporation authorities and was orally informed that the town hall would be allotted for the school function is disputed by the impugned communication in which it is clearly stated that the petitioner did not approach the Corporation or its authorities till 25.09.2017

after the application was made on 30.06.2017. It is the case of the petitioner that the petitioner was orally promised by the respondents that the town hall would be allotted to the petitioner, whereas it is the case of the respondents that the petitioner did not turn up and did not follow up the application after the same was made, for nearly three months. It would not be proper for this Court to decide the disputed questions of facts involved in this writ petition, in exercise of the writ jurisdiction.

In the result, we dismiss the writ petition with no order as to costs.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)