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

WRIT PETITION NO. 2403 OF 2017

Avish Mahadeo Khade & Anr. ... Petitioners
Versus
Mumbai Municipal Corporation & Ors. ... Respondents

Mr. Bhavesh Parmar, i/b. Shukla Devmani Jagdish for the
Petitioners.
Ms. Sheetal Mane, for MCGM.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATED: 16TH NOVEMBER 2017

PC:-

By this writ petition, the petitioners seek a direction against the respondent nos. 1 to 3 – corporation and its authorities to give personal hearing to the petitioners and allow them to produce information and documents in their possession to demonstrate that save and except the petitioners no other person has any right to get license no. 2303, of deceased Chandrakant Khade transferred in his / her name.

We are afraid that the relief sought by the petitioners cannot be granted in exercise of writ jurisdiction. If the petitioners have applied for transfer of the license in their favour and if some other party has also made a rival claim, it would be within the domain of the corporation to decide the application. If it is the case of the petitioners that they alone would have a right to secure the license standing in the name of Chandrakant Khade, the petitioners can

seek the adjudication of the dispute of title which is clearly of civil nature by filing a civil suit where the issue could be decided after permitting parties to tender evidence, both oral and documentary.

Since the relief sought by the petitioners cannot be granted in exercise of the writ jurisdiction, we dismiss the writ petition with no order as to costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)