

Sharayu.

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

WRIT PETITION NO. 455 OF 2014

Seema P. Salve

...Petitioner

Versus

The License Inspector & Ors.

...Respondents

Ms. Sayali Apte, i/b Ms. Aparna Murlidharan
Kalathil, for the Petitioner.

Ms. Pallavi Thakar, for M.C.G.M.

Mr. Kunal Damle, for the Respondent No. 3.

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

DATE : 31 October 2017

ORDER :

By this writ petition, the petitioner challenges the communication of the Corporation, dated 28th June 2013 refusing to accept the licence fees for the renewal of permission/licence of the petitioner to operate the Public Call Office ("**P.C.O.**")

According to the petitioner, the respondent-corporation has illegally refused to renew the licence of the petitioner for operating

the P.C.O. It is stated that the petitioner was granted the permission/licence to operate P.C.O., as the petitioner is physically challenged. It is submitted that the corporation could not have refused to accept the licence fees for renewal of the licence on the ground that the petitioner had belatedly applied for the renewal.

Ms. Thakar, the learned counsel for the Corporation has opposed the prayer made in the writ petition. It is stated by referring to the affidavit in reply filed on behalf of the corporation that the petitioner has not only made a belated application for renewal of the licence, but when the stall of the petitioner was inspected, it was found that Mr. Mohammed Multani was operating the P.C.O. and the petitioner was not personally present. It is stated that the commodities like mobile phone/hand sets/and other accessories including chargers, mobile phone covers, recharge accessories are sold in the P.C.O.

The learned counsel for the petitioner disputes the statements made in the affidavit in reply. It is stated that on 10th June 2015, the petitioner had gone for a medical check-up and hence, she had asked Mr. Multani to operate the booth. It is denied that articles like mobile phones/handsets and other accessories are sold in the P.C.O.

It appears on hearing the learned counsel for the parties that several disputed questions on

facts arise in this writ petition. It would not be proper to decide the disputed questions of facts in exercise of the writ jurisdiction. Whether the petitioner is really operating the same cannot be effectively decided in exercise of the writ jurisdiction. Also, it would not be proper to decide whether the petitioner had indulged in selling handsets/mobile sets and other accessories in the P.C.O. in the writ petition. It would be necessary for the petitioner to avail appropriate remedy for proving the facts involved in the writ petition. Hence, by keeping the points raised in the writ petition open, we intend to dispose of the writ petition, so that the petitioner could avail the appropriate remedy.

At this stage, the learned counsel for the petitioner states that the *ad-interim* relief granted in favour of the petitioner may be continued for a period of eight weeks so that the petitioner can avail the alternate remedy and seek interim relief. The request made on behalf of the petitioner is just and reasonable. Hence, we dispose of the writ petition by continuing the interim relief for a period of eight weeks only.

The points raised in this writ petition are kept open. No order as to costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A NAIK, J.]