

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

WRIT PETITION NO. 2401 OF 2015

Pratibha Nathuram Kore ... Petitioner.

Versus

Girish Murji Shah
and others ... Respondents.

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Mr. Dinesh A. Barot for the Petitioner.
Ms. Manisha Make i/b. Res Juris for Respondent No.1.
Mr. Satish Kamat for Respondent No.3.
Ms. Vandana Mahadik for MCGM.

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

DATE : 29th November, 2017.

P.C. :

By this writ petition, the petitioner seeks a direction against the respondent nos. 2 and 3 to take action against the tenants for the change of user from residential premises to commercial premises. The petitioner seeks the action of sealing room nos. 2 and 3 and disconnecting the electric supply to the same.

Ms. Mahadik, the learned counsel for the Corporation states on instructions from Mr. Narendra Rajbhar, the Assistant Engineer (Maintenance)/(Designated Officer - III) who is present in the Court today that during the pendency of the writ petition an inspection of the premises, specially room nos. 2 and 3 of the *chawl* was carried out. It is stated that the work of manufacturing

garments was not carried out in the said premises and the same were not used as a garment factory as sated on behalf of the petitioner.

Since there is a serious dispute between the petitioner-landlord and the tenants and since the Corporation authorities did not find any substance in the claim made by the petitioners in regard to the change of user, we are not inclined to grant the prayers made in the writ petition, in exercise of the writ jurisdiction. If the petitioner is desirous of proving the fact which is seriously disputed by the Corporation and the contesting respondents, the petitioner may avail an appropriate remedy.

In the circumstances of the case, we dispose of the writ petition with no order as to costs. The points raised in the writ petition are however kept open.

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)