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

WRIT PETITION NO.2687 OF 2015

Mohammad Yunus Alimullah Khan

... Petitioner

Vs.

Medical Officer of Health

... Respondent

Mr. P.R. Rathod for the Petitioner.

Ms. Vandana Mahadik for the Respondent.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 4th JULY, 2017

PC.

1 Heard the learned counsel appearing for the petitioner. The Petitioner was granted a trade licence under Section 394 of the Mumbai Municipal Corporation Act, 1888 (for short “the said Act”). The said licence was cancelled on 4th February, 2002. The substantive prayer in this Petition filed on 13th October, 2015 is for setting aside the order dated 4th February, 2002 cancelling the trade licence granted to the petitioner. There is also a prayer made for issuing a writ of mandamus directing the Municipal Corporation to renew the licence.

2 The learned counsel appearing for the petitioner has taken us through the documents annexed to the Petition. He submitted that the original licence was lost. He invited our attention to the application dated 23rd January, 2002 made by the petitioner for issuing a duplicate licence. He submitted that the application for renewal of the licence has not been considered by the Municipal Corporation.

3 We have considered the submissions. A photocopy of the licence annexed as Exhibit – A shows that there is an endorsement made of cancellation of licence by the order dated 4th February, 2002. It appears that the petitioner made an application under the Right to Information Act, 2005 to the Municipal Corporation. By a reply dated 20th July, 2008 the petitioner was informed that his licence has been cancelled. Thereafter, one more application was made by the petitioner under the Right to Information Act, 2005 seeking reasons for cancelling the licence. On 9th April, 2009 a reply was issued to the petitioner by the Information Officer that the documents were not available. Thus, at least in the year 2009, the original writ petitioner was put to notice that his licence has been cancelled. There is no explanation in this Writ Petition for such a long delay in challenging the action of cancellation of licence which has taken place way back in the year 2002.

4 Therefore, no relief can be granted under writ jurisdiction under the Constitution of India. Accordingly, the Petition is rejected. Rejection of the Petition will not preclude the petitioner from making an application for grant of a fresh licence. If such an application is made, the same shall be decided as expeditiously as possible in accordance with law.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)