

*Sharayu Khot.*

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

**WRIT PETITION NO. 8218 OF 2017**

**M/s. A.K. Mukherjee**

**...Petitioner**

***Versus***

**The State of Maharashtra & Ors.**

**...Respondents**

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Ms. Jannat K. Yadav, i/by Mr. Rajendra D. Salve, for the  
Petitioner.

Mrs. R.A. Salunkhe, AGP, for the Respondent No. 1.

Mr. A.S. Rao, for the Respondents No. 2 to 4.

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**CORAM : ABHAY S. OKA AND  
RIYAZ I. CHAGLA, JJ.**

**DATE : 2 April 2018**

**ORDER :**

1. Heard the learned Counsel appearing for the  
Petitioner and the learned Counsel appearing for the 2nd to 4th

Respondents.

2. Perusal of the Petition shows that the dispute raised is a contractual dispute regarding non payment of running bills by Kalyan-Dombivali Municipal Corporation. In fact, the Petitioner had served a notice dated 18th December 2015 purporting to be a notice under Section 80 of the Code of Civil Procedure, 1908.

3. The appropriate remedy for the Petitioner is to file a Civil Suit for recovery of all amounts mentioned in the notice. Therefore, we decline to entertain this Writ Petition under Article 226 of the Constitution of India.

4. However, remedy for the Petitioner is kept open. All contentions on merits are kept open. The Writ Petition is accordingly, disposed of.

**[RIYAZ I. CHAGLA J.]**

**[ABHAY S. OKA, J.]**