

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8579 OF 2017

Dr. Ramkumar R. Sharma	]	Petitioner
Vs.		
The Commissioner Mira Bhayander	]	
Municipal Corporatuion & Ors.	]	Respondents

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Mr. Sandesh S. Patil i/b Mr. Chintan Y. Shah, for Petitioner.
Mr. M.S. Lagu, for Respondents No.1 and 2.
Mr. Milan Tapkar i/b Ms. Ranjana Todankar, for Respondent No.3.

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CORAM : A.S. OKA AND
P.N. DESHMUKH, JJ.

DATE : 14TH FEBRUARY, 2018.

P.C.

Heard learned Counsel appearing for the parties. Perused the impugned order. This Petition involves disputed questions of facts. Factual findings have been recorded in the impugned order by the Municipal Corporation on the question of consent allegedly granted by the Co-operative Society. It is found as a matter of fact that there is a serious dispute about genuineness of some of the signatures on the alleged consent. A finding of fact has been recorded that in fact there was no consent by the Co-operative Society. For dealing with the said findings, evidence will have to be recorded. Therefore, it will be appropriate if the Petition is relegated to remedy of filing a suit.

2. Moreover, even as regards location of entrance of the premises of the petitioner, evidence will have to be adduced. Accordingly, we dispose of the Petition by granting liberty to the Petitioner to file Civil Suit before the appropriate Court. Ad-interim relief granted earlier is extended by six weeks from today. All contentions of the parties are expressly kept open.

[P.N. DESHMUKH, J.]

[A. S. OKA, J.]