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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4640 OF 2010

Jagdish Baijnath Pandey & Anr ...Petitioners
Versus
Commissioner, Thane Municipal Corporation, ...Respondents
Thane & Anr

Mr PR Arjunwadkar, *for the Petitioners.*
Ms MS Salekar, *with Mr NR Bubna, for Respondents Nos. 1 and 2.*
Mr SG Deshmukh, *with Abhijeet J Kandarkar, for Respondent No. 8.*

CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ
DATED: 11th June 2019

PC:-

1. We have heard Mr Arjunwadkar appearing for the Petitioner in support. The prayer in this writ petition is that a license or a no-objection certificate granted by Respondents Nos. 1 to 6 to Respondent No. 8 to conduct business of parking of two wheelers be revoked.

2. The 8th Respondent to the writ petition and the 7th Respondent to the same have some understanding with regard to this parking arrangement. The Petitioner No. 1 is a social worker and claims to be an active member of the Indian National Congress. The Petitioner No. 2, since dead, also made a similar claim or assertion. The 7th Respondent is a cooperative housing society within precincts and premises of which the 8th Respondent runs this parking business or has made arrangements for parking of two wheelers. The grievance is that he has exceeded the permission or license granted in his favour and in fact adversely affected the right, title and interest of the 7th Respondent – society in an immovable property.

3. We do not think that we can resolve such a dispute in our limited jurisdiction. If the Petitioner feels that there is a collusion between Respondents Nos. 7 and 8, and that there could not have been any license issued to park two-wheelers, or that the license issued concerns certain property but something more than this has been taken over in the garb of this business or its extension, then the

remedy lies elsewhere. These are disputed questions of fact. We do not know whether the parking business is unauthorized and illegal. It is also unclear whether, even if it is an authorized and legal business, it is not being conducted in a legal manner as projected by the Petitioner, or whether the 7th Respondent, though allegedly adversely affected in terms of their right, title and interest, has permitted such a course by colluding with either the 8th Respondent or municipal officials.

4. For all this to be probed and investigated the Petitioners will have to approach a competent Civil Court and file a proper suit. We do not think that in writ jurisdiction such issues can be resolved.

5. The writ petition is misconceived and is dismissed.

(G. S. PATEL, J)

(S.C. DHARMADHIKARI, J)