

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

WRIT PETITION NO. 5832 OF 2019.

Lawrence Thomas Deceased through
Legal Heir Fidel Thomas ... Petitioner

Vs

1 City & Industrial Development
Corporation & Ors. ... Respondents

Mr. Dilip Bobade with Sharad T. Bhosale for the Petitioners.

Mr. Nitin Gangal with Mr. Prabhavatsan Balan for the Respondent
Nos.1 and 2.

***CORAM : S.C. DHARMADHIKARI &
G.S. PATEL , JJ.***

THURSDAY, 27TH JUNE, 2019

P.C. :

1 Having heard Mr. Bodake at some length, we find that
in relation to the impugned communication, there are serious
issues of fact.

2 The petitioner claims to have obtained a permission to
commence the non-agricultural activity, other than the one
permitted earlier and to the original licensee / holder. For both,

namely, the transfer in favour of the petitioner's predecessor and to change the user, there are permissions in place. The City & Industrial Development Corporation Limited says otherwise.

3 From a bare reading of the impugned communication, we do not think that the factual issue and pertaining to the right, title and interest in the immovable property can be resolved in writ jurisdiction. Even if the property is a public property, we do not see any impediment in the way of the petitioner in approaching a competent civil court. The competent civil court can grant all reliefs as permissible in law so as to protect the right, if any, of the petitioner.

4 By clarifying that we have not examined any contentions and no opinion is expressed on merits, we dispose of this writ petition. We continue the ad-interim order in this petition for a period of fifteen (15) days only. No equities will be created by our order of continuance.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.