

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

WRIT PETITION NO.1405 OF 2014

**K Ramdas Baliga,
s/o Late Kallianpur Anandraya Baliga : Petitioner.
Versus
The Union of India and ors. : Respondents.**

**Mr. Virendra Kanojia for the Petitioner.
Mr. G. Hariharan with Mr.Mohamedali M Chunawala for Respondent-UOI.
Ms. Sneha Pandey I/by M/s. Motiwalla & Co. for Respondent Nos.2 and 3.
Mr. R M Nakhwa a/w Mr. Vasant Dhawan for Respondent Nos.4 and 5.**

**CORAM : B. R. GAVAI &
N. J. JAMADAR, JJ
DATE : 10th January 2019**

P.C.

1 The Petitioner has approached this Court for seeking the following relief :-

“(a) That this Hon'ble Court be pleased to exercise its jurisdiction under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ, Orderr or Direction in the nature of Mandamus ordering and directing Respondents No.2 and 3 to process, consider and decide the original Petitioner's application for transfer of the said property viz. Plot of land situated on the Mody Bay Estate of Mumbai Port Trust admeasuring 593 sq.yards and 7/9th of another square yards bearing C.S. No.1/1208, situated at 257, Shahid Bhagat Singh Road, Fort, Mumbai – 400 001 along with building standing thereon comprising of Ground plus Five Upper Storeys known as Welcome House in favour of the Petitioner, as per law, giving the original Petitioner personal hearing in the matter and to intimate the Petitioner the outcome of the Petitioner's

said Application, within a time frame fixed by this Hon'ble Court.”

2 The relief claimed can be granted only in civil suit after parties lead evidence in support of their rival pleadings. Such a relief cannot be granted in extra-ordinary jurisdiction of this Court, as disputed question of facts and law are involved which can be decided only upon proper appreciation of the evidence led by the parties.

3 We are informed that as a matter of fact the suit has already been filed by the Petitioner which is decided. In that view of the matter no case for invoking extra-ordinary jurisdiction of this Court is made out. The present Writ Petition is rejected.

[N. J. JAMADAR, J]

[B. R. GAVAI, J]