

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

WRIT PETITION (L) NO. 3102 OF 2018

Byculla House Premises	}	
Co-operative Society Limited	}	Petitioner
versus		
The Municipal Corporation	}	
of Greater Mumbai and Ors.	}	Respondents

Mr.Rajendra Mishra with Mr.Ameet
Metha and Mr.Saurabh Mashelkar I/b.
M/s. Solicis Lex for the petitioner.

Ms.K.H.Mastakar for respondent nos. 1
to 6.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE :- MARCH 19, 2019

P.C. :-

1. Heard Mr.Mishra.

2. We do not think that as an abstract we can call upon the Municipal Corporation to supply any documents to the petitioner. In the event the documents are the foundation, based on which the reliefs are claimed before the quasi judicial authority, then, a request can be made to that authority to call for the records from the Municipal Corporation and in the event the Municipal Corporation says that it does not have that record, then, reliance

can be placed on photocopies or such other documents to buttress and support the claim before that authority. Even if such a course is adopted and that authority is not convinced and passes adverse order, while challenging that order, the petitioner can raise all contentions as are now raised. We do not think that the High Court can be a substitute only because the Right to Information Act, 2005 is invoked and record is not made available. In writ jurisdiction, we cannot consider this request.

3. The writ petition is entirely frivolous and it is dismissed.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)