

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.8328/2019

Sau. Nalini w/o. Gajanan Gonnade
 Vs.

The Chief Officer, Bhandara Municipal Council, Bhandara and six others.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri H.A.Khedikar, Advocate, for petitioner.
 Shri A.S.Fulzele, Addl.Government Pleader for respondent nos.
 2, 5 and 6.

**CORAM : R.K.DESHPANDE and
 A.S.CHANDURKAR, JJ.**

DATE : 14.01.2020

The claim of the petitioner is to restrain the respondent nos. 3 and 4 from creating obstruction in collection of the market fee by the petitioner as an authorized contractor of the respondent no.1-Municipal Council, Bhandara.

The complaint is that inspite of having power, the respondent no.1-Chief Officer, Municipal Council, is not exercising the same to prevent the respondent nos. 3 and 4 from creating obstruction in collection of market fee.

In our view, it is a commercial contract between the petitioner and the respondent no.1-Municipal Council. The respondent nos. 3 and 4 are the private parties. It is open for the petitioner to file civil suit claiming appropriate order of injunction against the respondents.

We therefore dismiss the writ petition on the ground of existence of an alternate remedy. All questions are left open to be agitated in the civil suit. For other reliefs also, it is open for the petitioner to adopt appropriate legal remedy as are permissible in law. No orders as to costs.

JUDGE

JUDGE

Andurkar..