

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 6 OF 2023**

SHAIKH USMAN

.... Petitioner.

Versus

STATE OF GOA THR. CHIEF
SECRETARY AND 4 ORS

.... Respondents

Mr Sebastian Vales, Advocate *for the Petitioner.*

**Mr D.J. Pangam, Advocate General with Mr Shubham
Priolkar, Addl. Govt. Advocate *for the Respondents No.1 to 4.***

CORAM : M. S. SONAK &

BHARAT P. DESHPANDE, JJ.

DATE : 23rd January 2023

P.C.:-

1. Heard Mr Vales for the Petitioner.
2. The Petitioner claims to be the landlord of the suit premises, through which Respondent No.5 is carrying on the business of provisional store and bakery products.
3. The learned Counsel for the Petitioner states that Regular Civil Suit No. 34/2011/B has been filed against Respondent No.5, seeking his eviction in the suit. Respondent No.5 has

claimed to be the tenant of the suit premises.

4. Because the Petitioner refused to grant an NOC, it appears that the Municipal Authorities have declined renewal of the trade licence. The Petitioner in this Petition seeks a mandamus to direct the Authorities to disconnect the electricity supply. Since the disputes between the Petitioner and Respondent No.5 are pending before the Civil Court and and at least *prima facie* this appears to be an attempt to force the Respondent No.5 out from the premises, we do not think that our extraordinary and discretionary jurisdiction should be exercised at the behest of such a Petitioner.

5. Therefore, leaving it open to the Petitioner to pursue the Regular Civil Suit instituted by him, we dispose of this Petition.

6. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.