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

**WRIT PETITION NO. 3004 OF 2019
WITH
INTERIM APPLICATION (L) NO. 36874 OF 2022
IN
WRIT PETITION NO. 3004 OF 2019**

Rajinder Singh Sohan Singh

.. Petitioner

Versus

The Municipal Corporation of
Gr. Mumbai & Anr.

.. Respondents

Adv. Jacob Kadantot for the Petitioner.

Adv. Vaishali Ugale i/b Adv. Komal Punjabi for Respondents- BMC.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: NOVEMBER 3, 2025

P. C.

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.
2. This Petition has been filed seeking quashing of the Order dated 14th August, 2019 passed by the Senior Inspector (License), H/West Ward of Respondent No.1.
3. The said Order dated 14th August, 2019 calls upon the Petitioner to stop the business of frying fish in the stall that is licensed to him and warns

the Petitioner that, otherwise, his license would be cancelled. The said Order dated 14th August, 2019 has been passed on the basis of a Circular of Respondent No.1 of 2018-19, an English translation of which is annexed at page 82 of the Petition ('the said Circular')

4. I have heard the learned counsel for the parties and persued the documents on record.

5. The Petitioner had been issued a license which is found on page 37 of Petition. By the said license, the Petitioner who is an Ex-Serviceman and a war casualty disabled person involved in Indo-Pak war in 1965 and 1971, was allowed to operate a Jai Jawan stall and the commodity which was permitted was fish fry. The Inspection Report of the License Inspector dated 4th January, 2018 also shows that, in the inspection, the Petitioner was found selling fish fry which was an approved commodity/service.

6. An Inspection Report dated 22nd January, 2019 further shows that the Petitioner is found selling fish fry using electric induction vessel.

7. Therefore, it is clear that the Petitioner was carrying on the business of selling fish fry from his Jai Jawan stall for many years on the basis of the permission given by the Respondent No.1.

8. The Petitioner is now sought to be stopped from carrying on his business on the ground of the said Circular, an English translation of which is annexed at page 82 of the Petition.

9. The said Circular applies to change of user, which is not the case of the Petitioner. The Petitioner was selling fish fry earlier as demonstrated from the documents referred to hereinabove.

10. Further, what is prevented by the said Circular is cooking of eatables on a footpath/road with the help of gas/stove, Grill. The Petitioner is not cooking on a footpath or road but in a Jai Jawan stall. Further, the Petitioner is not using gas/grill but an electric induction vessel.

11. In these circumstances, in my view, the direction given to the Petitioner by the Order dated 14th August, 2019, to stop the business of frying fish in the stall is illegal and is not as per the said Circular. In these circumstances, the Petition is allowed in terms of prayer (a) which reads as under :

“(a) That this Honourable Court be pleased to issue a Writ of Certeroi or a Writ or direction in the nature of Certeroi calling for the papers and proceedings regarding the stall of the petitioner and in particular the impugned order directing the Petitioner to stop his business, dated 14.8.2019 and after going through the legality and propitiatory of the same be pleased to quash and set aside the same”

12. Rule is made absolute in the aforesaid terms. In the facts and circumstances of the case, there will be no order as to costs.

13. All pending Interim Applications have become infructuous and are disposed of as such.

[FIRDOSH P. POONIWALLA, J.]