

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2091 OF 2014

Gokul Chaganrao Matale.] ... Petitioner

Versus

Mrs. Ashwini Anil Kulkarni and Others.] ... Respondents

Mr. S. M. Oka and Mr. Sham V. Walve for Petitioner.
Mr. A. R. Metkari, A.G.P., for Respondent Nos.2 and 3.

CORAM :- M. S. SONAK, J.
DATE :- MARCH 17, 2015

P. C. :-

1. This petition is directed against the Order dated 06/12/2013 made by the District Judge, Nashik, dismissing the Petitioner's Appeal against Order dated 13/09/2012 made by the Civil Judge, Senior Division, Nasik, declining relief of injunction to the Petitioner.

2. The two Courts, have concurrently held that the Petitioner has failed to make out any *prima-facie* case and further even balance of convenience is not in favour of grant of any interim relief. In this case, the two Courts have also held that there was failure on the part

of the Petitioner to issue notice under Section 80 of the CPC on account of which there is a serious issue as to whether or not the suit itself is maintainable. That apart, the Petitioner seeks to challenge notices issued under the Urban Land (Ceiling And Regulation) Act, 1976. The Civil Judge, Senior Division, Nashik, has made reference to the provision contained in Section 40 of the said Act, which provides that no suit or other legal proceeding shall lie against the Government or any Officer of the Government in respect of anything which is in good faith done or intended to be done by or under this Act. If the averments in the plaint are perused, then, there are no allegations with regard to lack of good faith.

3. There is neither any error of jurisdiction nor perversity involved in the approach of the two Courts. Accordingly, no case is made out to interfere with the two orders.

4. Petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)