

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

C.A.S. NO.128/2011 IN SECOND APPEAL NO.92/2011

Mohan Pundlikrao Tetu

..Versus..

Nagar Parishad, Morshi (through its Chief Officer), Tq. Morshi, Distt. Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 21.11.2015

Heard Shri S.O. Ahmed, advocate for the appellant and
Shri A.B. Patil, advocate for the respondent.

The interim order granted by this Court on 10th March,
2011 shall continue till the decision of the appeal. The civil
application is allowed accordingly.

As the prayer made in the civil application is not in
consonance with the provisions of Order 41 Rule 5 of the Code of
Civil Procedure, the appellant shall deposit Rs.500/- (Rs. Five
Hundred Only) with the Legal Aid Services Sub-Committee, High
Court, Nagpur and produce the receipt on the record till 30th
November, 2015.

SECOND APPEAL NO.92/2011

The appellant shall file private paper book and decree forms within six months.

Shri A.B. Patil, learned advocate for the respondent submits that in view of the subsequent events, the power to take decision in respect of the lease of municipal properties is now with the District Collector. It is submitted that this Court has passed the order in Writ Petition No.1441/2012 on 13th June, 2012 permitting the petitioner in that writ petition to make representation to the Collector for extension of lease period and this Court directed the Collector to take decision on the representation, if so made. The learned advocate has prayed that the similar course may be adopted in the present case also.

It is open for the appellant to make the representation to the Collector for renewal/extension of lease and if such representation is made, the District Collector shall take decision on the representation within six months from the date of receipt of the representation by him.

The parties are at liberty to move appropriate application after the decision is taken by the Collector in the matter, if so advised.

JUDGE