

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

CAO NO. 1255/2015 AND 1256/2015 IN MCA NO.128/2015 IN
WRIT PETITION NO. 4510 OF 2012

(Shri Chandrashekhar Govindgir Giri vs. The State of Maharashtra thr. its Secretary, Urban
Development Department & Revenue Department & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
PRASANNA B. VARALE, JJ.
AUGUST 28, 2015.**

Heard Shri Vishal Anand, learned counsel for the applicant/ Respondent No.1 and Shri Gilda, learned counsel for the original applicants/ non-applicant Nos. 7 & 8.

In Civil Application (O) No. 1255 of 2015, prayer is to condone delay of about 61 days in filing CAO No. 1256 of 2015 for clarification of judgment dated 10.04.2015.

In the background of previous litigation, we have attempted to find out the merit in the matter. The applicant states that a modified notification under Section 31(2)(a)(i) read with Section 5(3) of Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, is necessary as Amravati Municipal Corporation consists of area of Amravati Municipal Corporation as also Badnera Municipal Corporation and some other area. Our attention has been invited to pleadings contained in this respect in paragraphs 6 & 7 of the writ petition.

We find that while passing orders on MCA No. 128 of 2015, we have observed in paragraph 21 as under:

*“Effort of Chandrashekhar Giri was obviously to
assist the case of his wife Pratibha and other*

relative Aruna. He has not disclosed any other object behind his move even in this case. He ought to have pointed out entire previous history to this court. With intention to assist those relatives and, therefore, to suppress finality achieved [if any], he filed proceedings. He was aware that had he disclosed earlier history and round of litigations, perhaps this court would have looked into more details & may have rejected his petitions. We, therefore, find substance in the contentions of learned counsel Shri Gilda that Chandrashekhar did not approach this Court with clean hands.”

It is, therefore, apparent that when original petition i.e. Writ Petition No. 4510 of 2012 was itself found to be filed not in good faith, it is apparent that there is no scope for considering such requests. As such, we find no case made out for issuing notice. Both Civil Applications are rejected.

JUDGE

JUDGE

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