

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7369 OF 2012

Kolhapur Zillah Vyapari and Udhyojak Mahasangh
through Sadanand Shankarrao Korgavkar and others ... Petitioners
Vs.
Maharashtra State Through Collector, Kolhapur
and others ... Respondents

Mr. S. S. Deshmukh for Petitioners.
Ms Vrushali Nimbalkar, AGP for Respondent No.1-State.
Mr. S. S. Patwardhan for Respondents No.2 and 3.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 18, 2016

P.C. :

Heard Mr. Deshmukh, learned Counsel for petitioners, Ms Nimbalkar, learned AGP for respondent No.1-State and Mr. Patwardhan, learned Counsel for respondents No.2 and 3 at length.

2. Mr. Deshmukh submits that Writ Petition challenging the imposition of Local Body Tax (for short "L.B.T.") was dismissed by this Court. He has tendered photocopy of the decision dated 01.10.2014 passed by the Division Bench of this Court (Coram: S. C. Dharmadhikari & B. P. Colabawalla, JJ.) in Writ Petition No.2720 of 2013 (Municipal Labour Union and others Vs. State of Maharashtra and others), which is taken on record and marked 'X' for identification.

3. Mr. Deshmukh submitted that present Petition was filed challenging the orders dated 03.08.2011 passed by the trial Court and 05.05.2012 passed by the appellate Court dismissing the application filed by the petitioners / plaintiffs for injunction restraining the defendants from acting upon the law laid down under the Bombay

Provincial Municipal Corporation (Local Body Tax) Rules, 2010 and restraining the Corporation from recovering L.B.T. from the plaintiffs, their associates and the businessmen of Kolhapur City. He submitted that as the validity of L.B.T. is upheld by this Court, nothing survives in the Petition and the same may be disposed of in terms of the decision of this Court dated 01.10.2014 in Writ Petition No.2720 of 2013.

4. In view of the statements made by Mr. Deshmukh, Petition is disposed of in the light of the decision dated 01.10.2014 rendered by this Court in Writ Petition No.2720 of 2013. Order accordingly.

(R. G. KETKAR, J.)

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