

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

WRIT PETITION NO. 3859 OF 2015

(M/s. Nagpur Distillers vs. The State of Maharashtra thr. Department of Urban Development & 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 &
KUM. INDIRA JAIN, JJ.
JUNE 22, 2016.**

Shri A.A. Naik, learned counsel for the petitioner,
Ms. P.D. Rane, learned AGP for respondent No. 1 and Shri
S.K. Mishra, learned Senior Advocate with Shri A.H. Mishra,
learned counsel for respondent Nos. 2 to 4.

It is not in dispute that the controversy is covered
by the judgment dated 24th February 2016 in Writ Petition
No. 4709 of 2015 (*Dr. Sudhir Shankarrao Babhulkar & Anr.
vs. The State of Maharashtra, thr. Department of Urban
Development & Ors.*). Copy of that judgment is produced
before us. One of us (B.P. Dharmadhikari, J.) is a party to
that judgment.

Hence, adopting the reasons recorded therein
and subject to the petitioner's depositing with Respondent
No. 2, an amount of Rs.10,000/- (Rs. Ten thousand only)
within a period of two weeks from today, we quash and set
aside the communication i.e. Demand Note dated
16.04.2014, Intimation dated 20.01.2015 in relation to Plot
No. 300, similar intimation of even date in relation to Plot

No. 200 and another Demand Note dated 16.04.2014, i.e. Annexures 'D' and 'E' respectively with the petition. Respondent No. 2 shall receive the amount of Rs.10,000/- without prejudice to its rights and contentions in the matter. It shall appropriate it towards its demands as per result of the hearing to be extended to the petitioner.

However, in the meanwhile, Respondent No. 2 can process further the proposal of the petitioner for renewal of lease.

Writ Petition is accordingly disposed of. No order as to costs.

JUDGE

JUDGE

*GS.