

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.W. NO.2548/2015 IN WRIT PETITION NO. 4364/2013
(ARCHANA & KATRINA GORAKSHAN TRUST AND ANIMAL REHAB. HOME, NAGPUR **VERSUS**
THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri M.A. Vishwarupe, counsel for the petitioner.
Ms. M. Naik, A.G.P. for the R-1 to 3.
Shri A. Parchure, counsel for the R-4/Applicant.

CORAM : SMT.VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : JANUARY 6, 2016.

By this civil application, the applicant seeks the vacation of the interim relief granted by this Court, on 20.12.2014.

It is the case of the applicant that the interim relief has been granted by this Court in favour of the petitioner on an incorrect statement of fact made by the petitioner in the petition as also before the Court while Rule was issued. It is stated that though the land was not reserved for grazing purpose, the petition was filed on a premise that the land was reserved for grazing purpose. It is stated that the interim relief needs to be vacated, in the circumstances of the case.

The prayer made on behalf of the applicant-respondent no.4 is strongly opposed by the learned counsel for the petitioner/non-applicant.

We are not inclined to vacate the interim order granted on 20.12.2014 after hearing all the concerned parties. The applicant was represented by a counsel in the Court, on 20.12.2014 when Rule was issued and the interim order was passed. It could have been pointed out by the counsel for the applicant that the statement made by the petitioner is incorrect. In any case, whether the statement is incorrect or not, would be decided at the time of hearing of the writ petition, on merits. The said issue cannot be decided at the intermediate stage. Also, there is no reason to vacate the interim relief as the order granting interim relief does not reflect that the same is passed on the basis of the statement that the land was reserved for grazing purpose only.

The prayer made in the civil application stands rejected.

JUDGE

JUDGE

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