

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 797 of 2014

The Agricultural Produce Market Committee,
Kisan Kranti Building, Market Yard, Station road,
Ahmednagar, Dist. Ahmednagar
Through its Secretary Abhay S/o Babasaheb Bhise,
age 27 years occupation Secretary
R/o Kisan Kranti Building, Market Yard, Station road,
Ahmednagar Dist. Ahmednagar

...PETITIONER

VERSUS

Ahmednagar Municipal Corporation,
Ahmednagar Dist. Ahmednagar
Through its Commissioner.

...RESPONDENT

Mr Suresh P. Salgar, Advocate for petitioner
Mr V.S. Bedre, Advocate for respondent sole

CORAM : NITIN W. SAMBRE, J.

DATE : 17th November, 2017

ORAL ORDER :

The petitioner, Agricultural Produce Market Committee, Ahmednagar, has questioned the property tax demanded by the respondent-Corporation in a Civil suit, in which prayer for injunction came to be rejected upto the First Appellate Court. This Court while issuing notice, directed petitioner to deposit amount of Rs. 2,50,000/- (Rs. Two lacs fifty thousand only), which the petitioner has complied with, and granted interim protection.

2. The learned Counsel for the petitioner/plaintiff on instructions, submits that Regular Civil suit filed by him being Regular

Civil Suit No. 193 of 2013 is fixed on 2nd December 2017 for pronouncing the judgment. The said statement is accepted.

3. The petition stands disposed of by ordering continuation of the interim order passed by this Court on 27th January 2014 till the pronouncement of the judgment.

4. It is made clear that if the aforesaid statement is found to be incorrect, it be considered that the petition is dismissed considering the view expressed by the Apex Court in the petition for **Special Leave to Appeal (Civil) No. 1485 of 2008 decided on 20th January 2017, Agricultural Produce Market Committee, Jalgaon Vs. State of Maharashtra and others; and the Division Bench Judgment of this Court dated 22nd February 2008 delivered in Writ Petition No. 838 of 2006 in the matter of Agricultural Produce Market Committee, Jalgaon Vs. State of Maharashtra.**

5. Amount of Rs. 2,50,000/- (Rs. Two lacs fifty thousand only) is remitted to the Court of Civil Judge (Senior Division), Ahmednagar, before whom R.C.S. No. 193 of 2013 is pending.

6. It is made clear that if the suit of the present petitioner is dismissed, respondent-Corporation will be at liberty to withdraw the amount.

(NITIN W. SAMBRE, J.)

pjm