

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

WRIT PETITION NO. 6320 of 2004

Anil Kumar J. Patel
Proprietor of M/s. True Food Corporations,
age 48 years occupation business
R/o Polan Peth, Jalgaon.(DIED)
through legal representatives

- 1/A. Mrs. Geeta Ben Anilkumar Patel,
age 62 years occupation household
1/B. Darshan Anilkumar Patel,
age 45 years occupation business
1/C. Chetan Anilkumar Patel,
age 42 years occupation business
1/D. Vikram Anilkumar Patel,
age 40 years occupation business,
All R/o 180/1 "Smruti" Polan Peth, Jalgaon. ...**PETITIONERS**

VERSUS

The Commissioner,
Municipal Corporation, Jalgaon. ...**RESPONDENT**

Mr R.F. Totala, Advocate for petitioners.
Mr R.R. Patil, Advocate for respondent

CORAM : P.B. VARALE, AND
SUNIL K. KOTWAL, JJ.

DATE : 7th December 2017

ORAL ORDER :

At the outset, Mr Totala, learned Counsel for the petitioner, submits that on the earlier day i.e. on November 8, 2017, he expressed his willingness to conduct the matter on any date, fixed by this Court for final hearing.

2. Mr Patil, learned Counsel appearing for respondent/Corporation also submits before this Court that he is ready with the matter.

3. Mr. Totala submits that in-spite of his attempts to establish contact with the petitioner, calling upon petitioner to give him instructions as the matter is listed for final hearing before this Court, there was no response from the petitioner to the communication forwarded by the Counsel. Mr Totala placed on record copy of the communication dated 15th November 2017 addressed to the petitioner, alongwith postal slip of the communication.

4. In view of the submission of learned Counsel Mr. Totala that there is no response from the petitioner in-spite of his communication, we allow the Counsel to discharge from the matter. The petitioner challenges the demand notice issued by the Municipal Corporation against recovering of property taxes for years 1987 to 2001.

5. Mr Patil, learned Counsel appearing for the respondent Counsel, invited our attention to the Order of this Court dated 2nd November 2017, observing that by way of order dated 19th January 2005 an interim relief was granted to the petitioner, subject to the petitioner's furnishing security in the sum of Rs. 25,00,000/-, to the

satisfaction of the Registrar (Judicial) of this Court; and then further observing that the petitioner in-spite of tendering undertaking to this Court, failed to furnish security.

6. This Court then observed that by way of two applications, namely, Civil Application No. 8239 of 2007 and Civil Application No. 9932 of 2009, the petitioner prayed for tendering security of an agricultural land and the prayer was rejected by this Court on both these applications. By order dated 2nd November 2017 interim relief granted in favour of the petitioner stood vacated and this Court thought it fit to post this petition on next date i.e. 8th November 2017 for passing order of dismissal in the matter.

7. Considering the fact that a party, who was before this Court and interim order was passed in his favour subject to furnishing security, failed to comply order of this Court for a period more than a decade, in our opinion, is not entitled for any equity. The petition is dismissed on this very count.

8. Copy of the communication dated 15th November 2017 addressed to the petitioner, alongwith postal slip of the communication, placed on record, is marked "X" for identification.

(SUNIL K. KOTWAL)
JUDGE.

(P.B. VARALE)
JUDGE.