

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4552/2016

&

CIVIL APPLICATION NO.397/2017

(Shri Rameshchandra s/o Satyanarayan Soni vs. The Nagpur Municipal Corporation and another)

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

Court's or Judge's order

Mr Basant Kumar Soni, party-in-person
Mr H A Deshpande, Adv. for respondents 1 and 2

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.**

DATED : 14th February, 2017.

1. Heard.
2. On 12.1.2017 this Court has passed an interlocutory order and removed the locks on property of petitioner. Thereafter on 24.1.2017, the petitioner was asked to deposit an amount of Rs. 50,000/- with respondent-Corporation to show his *bona fides*. It is not in dispute that said amount has been deposited.
3. The petitioner has filed an affidavit vide Stamp No. 1596/2017 undertaking to clear the property tax dues of Municipal Corporation by paying every month installment of Rs. 25,000/- towards the same. The first installment is to be paid on 10.03.2017. Roughly, the balance amount towards tax dues is promised to be liquidated in next 20 months.
4. We accept this affidavit as an undertaking to the Court.
5. The petitioner has also taken out Civil Application No. 397/2017 seeking leave to amend the present petition to incorporate claim for damages. The petitioner-in-person states

that as property was high-handedly locked, the petitioner has suffered on various counts.

6. Request is being strongly opposed by Adv.Deshpande. He says that without any protest, interim directions of this Court have been accepted, locks were opened and though the property was under attachment, possession of petitioner was never disturbed.

7. We do not wish to go into any disputed questions in this writ petition. The petitioner is given liberty to file appropriate proceedings for claiming damages on all counts as per law. Civil Application No. 397/2017 is accordingly disposed of.

8. In view of the order passed above, accepting the affidavit Stamp No.1596/2017 as an undertaking to this Court, with direction to petitioner to abide by its terms and conditions, we dispose of present Writ Petition. No costs.

JUDGE

JUDGE

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