

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

WRIT PETITION NO. 3333 OF 2016

(M/s. Gandhi Builders thr. its Proprietor Shri Narendra Dharnidhar Gandhi vs. Nagpur Improvement Trust thr. its Chairman & 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 &
MRS. SWAPNA JOSHI, JJ.
MARCH 01, 2017.**

Shri R.R. Srivastava, learned counsel for the petitioner, upon instructions, seeks leave to withdraw the present writ petition. He, however, submits that as filing of Civil Suit is essential, a notice under Section 115 of the Nagpur Improvement Trust Act, 1936, needs to be served upon respondent No. 1. Hence, till expiry of notice period, the parties should be asked to maintain status quo as on today.

2. Mrs. S.S. Jachak, learned counsel for respondent No. 2 and Ms. T. Khan, learned AGP for respondent No. 3 point out that these respondents are not concerned with the controversy.

3. Shri Kinkhede, Advocate h/f Mrs. Bharti H. Dangre, learned counsel for respondent Nos. 1,2 & 4 is opposing grant of liberty or any interim orders.

4. We find that writ petition has been presented to

this Court on 03.05.2016 and though there are no interim orders, coercive steps have not been taken. In somewhat similar situation, on 08.08.2016 in Writ Petition No. 2297 of 2015, while giving liberty to that petitioner to file Civil Suit, interim order was continued.

5. In this situation, we allow the request as made in pursis Stamp No. 1434 of 2017 and grant the petitioner leave to institute proper Civil Suit after service of notice under Section 115 of the Act.

6. The parties shall maintain status quo for a period of ten weeks and this interim order shall cease to operate automatically thereafter. Subject to it, writ petition is disposed of as withdrawn. No order as to costs.

JUDGE

JUDGE

*GS.