

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

Writ Petition No.4437 of 2016
Ishwar Somkuwar Vs. Municipal Council, Ballarpur

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

Court's or Judge's orders

Mr. M.P. Khajanchi, Advocate for appellant
Mr. A.M. Quazi, Advocate for respondent

CORAM : MANISH PITALE, J.

DATED : NOVEMBER 08, 2019

By this writ petition, the petitioner (original plaintiff), challenged orders passed by the two Courts below whereby application for temporary injunction filed on his behalf was dismissed. The petitioner claims that the respondent – Municipal Council had no authority to demolish part of his property in order to construct a road. It is an admitted position that the interim order granted by this Court is operating since 03/08/2016. The learned counsel for the petitioner informs this Court that in the meantime the road has been already constructed. In response, the learned counsel for the petitioner submits that due to interim order passed by this Court, it could not be constructed in terms of the proposed plan.

2. Since interim order passed by this Court has been operating for more than 3 years, it would be in

fitness of things that this writ petition is disposed of with direction to the Trial Court to dispose of the suit expeditiously. In the meantime, the interim order shall continue to operate.

3. Accordingly, the writ petition is disposed of and the Trial Court is directed to dispose of the suit filed by the petitioner expeditiously and in any case within a period of six months from today. The interim order dated 03/08/2016, passed by this Court shall operate till the disposal of the suit.

4. Needless to say the contentions of rival parties are kept open.

JUDGE

MP Deshpande