

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

WRIT PETITION NO.3025/2017

Amravati Municipal Corporation, Amravati and another
..Vs..
Atul Mangal Karyalaya

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

Court's or Judge's orders

Ms. K.E. Meshram, Advocate h/f Shri Tushar Darda, Advocate for the
petitioners.
Shri Kaustubh Topale, Advocate for the respondent.

CORAM : Z.A. HAQ, J.
DATED : 11.6.2019.

Heard.

The original defendants - Amravati Municipal Corporation and Tax Superintendent have challenged the judgment passed by the District Court in appeal under Order 43 Rule 1(r) of the Code of Civil Procedure. By the impugned judgment, learned District Judge has allowed the appeal filed by the respondent (original plaintiff) and has granted temporary injunction in favour of the plaintiff restraining the defendants from taking any coercive steps to recover the demand bill dated 30th March, 2016 till the disposal of the civil suit. The demand bill dated 30th March, 2016 is issued by the defendants for penalty for the unauthorized construction alleged to have been undertaken by the plaintiff. The

facts on record show that father of plaintiff constructed *Mangal Karyalaya* and regularly paid the taxes during his life time and after his death the plaintiff continued to pay the taxes. The impugned judgment shows that the learned District Judge has properly appreciated the material on record and has exercised discretion judiciously. It cannot be said that the impugned judgment suffers from illegality or perversity which necessitates interference by this Court in the extra-ordinary jurisdiction. Hence, I see no reason to interfere with the impugned judgment. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

Learned Advocate for the plaintiff states that the civil suit is at the stage of cross-examination of the plaintiff.

The learned trial Judge is directed to dispose the civil suit till 30th November, 2019.

JUDGE