

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

WRIT PETITION NO.1532 OF 2020

(Ramesh s/o Manikrao Sanjule and others vs. Nagpur Municipal Corporation and others)

WITH WRIT PETITION ST. NO.5950 OF 2020

(Nanaji s/o Natthuji Gadage and others vs. Nagpur Municipal Corporation and others)

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

Shri S.S. Dhengale, Advocate for petitioners.

Shri J.B. Kasat, Advocate for respondent nos.1 to 3.

CORAM : SUNIL B. SHUKRE AND
 AVINASH G. GHAROTE, JJ.

DATED : MARCH 18, 2020

Heard learned Counsel for the parties.

2) Shri Dhengale, learned Counsel for the petitioners, on instructions, submits that the petitioners are willing to deposit the occupation charges demanded by the Corporation at new rates provided one month's time is granted.

3) Shri Kasat, learned Counsel for respondent nos.1 to 3, submits that the petitioners may challenge the action of the Corporation by filing a civil suit in accordance with law as there are about 150 civil suits already pending and which involve the same issue. However, he further submits that if

any such liberty is granted to the petitioners, the petitioners would have to deposit the occupation charges at new rates on or before 31/3/2020.

4) Shri Dhengale, learned Counsel for the petitioners, submits that the petitioners can deposit the occupation charges at new rates to show their bonafides, only if one month's time is granted.

5) Considering the closure of financial year of the Corporation, the request of Shri Dhengale, learned Counsel for the petitioners, to grant such huge time cannot be granted.

6) In view of above, we dispose of the petitions by giving liberty to the petitioners to challenge the action of the respondents by filing a civil suit in accordance with law provided the petitioners deposit the occupation charges at new rates as demanded by the Corporation on or before 31/3/2020. It is made clear that the payment of occupation charges would be under protest on the part of the petitioners and it would not mean that the petitioners have waived or surrendered their right to question the legality of the action of the respondents. In case any civil suit is filed by the petitioners upon depositing of the occupation charges payable by them as on 31/3/2020, the

petitioners shall also continue to deposit the occupation charges at new rates till the final disposal of the suit in accordance with law and any failure on their part to do so, would be appropriately considered by the Civil Court in the proceedings in accordance with law.

JUDGE

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