

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8372 OF 2020

SHRI. MARWADI RAJASTHAN EDUCATION SOCIETY THROUGH ITS
SECRETARY ASHISH CHANDRASHEKHARJI BAJPAI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mrs. Anjali Bajpai Dube
AGP for Respondent No.1 – State : Mr. S. N. Kendre
Advocate for Respondent No.2 : Mr. H. V. Patil

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th JANUARY, 2022

PER COURT :

1. The order dated 07-02-2019 passed below Exhibit-6 in R.C.S. No.253/2019 by the learned 2nd Joint Civil Judge, Junior Division, Latur and confirmed by the learned District Judge-5, Latur in M.C.A. No.22/2020, is questioned in this petition.

2. The learned advocates for the respective parties do not dispute that the identical challenge raised by the petitioner against the respondents is allowed by this Court in **Abhinav Manav Vikas Sanstha Vs. State of Maharashtra and Another**, reported in 2021 DGLS(Bom.) 592.

3. For the reasons stated in **Abhinav Manav Vikas Sanstha** (supra) case, the present petition is allowed.

4. Respondent No.2 – Latur City Municipal Corporation, Latur, shall not take coercive action to recover the amount of tax against the petitioner till the decision on the application for temporary injunction, subject to the petitioner depositing a sum of Rs.1,00,000/- (Rupees One Lakh) before the Civil Court, within a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)