

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 WRIT PETITION NO.5497 OF 2023

**GIRIVIHAR COOPERATIVE HOUSING SOCIETY LTD
THROUGH IT'S CHAIRMAN BHARATKUMAR UTTAMLAL
SHAH
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

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Advocate for Petitioner : Mr. P. V. Barde h/f D.R. Jethliya
AGP for Respondents : Mr. P. N. Kutti

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**CORAM : S. G. CHAPALGAONKAR, J.
Dated : May 17, 2023
(Vacation Court)**

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PER COURT :-

1. Learned counsel appearing for the petitioner would submit that the petitioner has already challenged the Bill of Tax issued by respondent Municipal Council before the learned Judicial Magistrate First Class/Appellate Authority. He invites attention of this Court to the notices dated 25.4.2023 issued by the respondent Municipal Council for recovery of the arrears on the basis of bill which are subject matter of appeal.

2. In this background, he submits that the petitioner may file appropriate application before the appellate authority seeking stay to the order of the impugned bill. However, till

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such application is filed and orders are passed by the Appellate Court on such application, it would be just and desirable to protect the interest of the petitioner from the proposed action under notice dated 25.4.2023.

3. Considering the aforesaid submissions, the petitioner is permitted to withdraw the petition, with liberty to approach the appellate authority alongwith his application for interim relief. If such an application is filed within a period of (10) Ten days from the date of this order, no coercive action shall be taken against the petitioner in pursuance of notice dated 25.4.2023 till further orders are passed by the Appellate Authority on application for interim relief. Writ Petition is disposed off.

(S. G. CHAPALGAONKAR, J.)

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