



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3216 OF 2024

Shri Prakash Developers And J.v. Through
Its Partner Jayashree Kisanrao Nade

VERSUS

State Of Maharashtra Through
Secretary And Another

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Mr. P. B. Gapat, Advocate for the Petitioner

Mr. V. M. Kagne, AGP for Respondent No. 1/State

Mr. S. S. Tope, Advocate for Respondent No. 2 (VC)

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CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : MARCH 27, 2024

PER COURT :

1. Having considered the submissions of the learned Advocates for the Petitioner and Municipal Corporation, we are convinced that this Petition deserves to be dismissed with cost.

2. The Petitioner is alleged to have been going slow on a contractual agreement between him and the Municipal Corporation. Several developmental activities were to be taken up, including setting up an amusement park in the Siddharth Garden/Park. No development has taken place and the income that the Corporation was intending to generate to the tune of Rs. 1,42,380/- per

year, has not been earned in the last two years.

3. The Petitioner received notice from the Corporation on 11.03.2024. A reply to the notice is filed on 18.03.2024. In between these two events, the Petitioner filed the present Writ Petition on 14.03.2024 praying for a Writ of Mandamus to the Corporation and quash and set aside the said notice.

4. Such disputed issues cannot be dealt with by this Court. The filing of this Petition is purely an abuse of process of law. When a show cause notice is issued and the Petitioner filed a reply on 18.03.2024, prior to the filing of the reply, a Writ Petition is filed.

5. In view of the above, **this Petition is dismissed** with cost of Rs. 25,000/- (Rupees Twenty Five Thousand Only). The learned Advocate for the Corporation submits that the amount may be donated in equal proportions to the Advocates' Bar Library and Advocates' Association of High Court of Bombay, Bench at Aurangabad. We, therefore, direct the Petitioner to deposit said amount in this Court on or before

10.04.2024, failing which, the Corporation would recover the said amount from the Petitioner and deposit it with this Court. After such deposit, the said amount shall be transmitted to the Advocates' Bar Library and Advocates' Association of High Court of Bombay, Bench at Aurangabad, in equal proportion.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)