

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

WRIT PETITION NO.5830/2024

<u>PETITIONER :</u>	M/s.Asian Dye-Chemie Corporation, Plot No.B-3, Phase-I,Old MIDC, Akola Dist. Akola, through its Partner Ajitkumar Kasturchand Sethi, Aged 81 year, Occup. Business.
<u>...VERSUS...</u>	
<u>RESPONDENTS :</u>	1. State of Maharashtra, Department of Industries and Mining through its Principal Secretary, 114, Annex Building, Mantralaya, Mumbai, Mumbai-32 2. State of Maharashtra, Department of Rural Development and Panchayat Raj, through its Principal Secretary, 7th Floor Construction Building, 25, Marzban Path, Fort, Mumbai-400001. 3.The Deputy Engineer, Maharashtra Industrial Development Corporation, Sub Division-1, Opposite Akola Aero Drum, Akola District Akola. 4.The Block Development Officer, Panchayat Samiti Akola, District Akola. 5.Sarpanch, Gram Panchayat Kumbhari, Taluka and District Akola. 6. Gram Panchayat Kumbhari, Through its Secretary, Taluka and district Akola.

Ms.S.V.Sirpurkar, Advocate for petitioner

Mr.S.M.Ukey, Addl.GP for respondent Nos.1 and 2.

Mr.R.D.Chaware, counsel for respondent No.3.

**CORAM : ALOK ARADHE, C.J. AND
ANIL S.KILOR, J.**

DATE : 27/02/2025

ORAL JUDGMENT : (PER : CHIEF JUSTICE)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Counsel for the respective parties .

2. In this writ Petition the petitioner *inter alia* prayed for the following reliefs:-

i) Declare the action of the respondent No.5 and 6 to assess the levy tax upon the petitioners, as illegal and without jurisdiction.

ii) Declare communication dated 28/02/2024 (Annexure-VI) issued by the respondent No.5 and 6 illegal and unconstitutional.

iii) Declare communication dated 19/04/2022 (annexure IV), issued by the Block Development Officer Panchayat Samiti, Akola illegal and without jurisdiction.

iv) Restrain the respondent No.5 and 6 from carrying out any actions with respect to measurement and levy of property tax, upon the petitioner, during the pendency of the present petition.

v) Protect the petitioner from any coercive acts and consequences resulting from illegal actions of respondent No.5 and 6 with respect to measurement and levy of property tax, upon the petitioner, during the pendency of the present petition.

vi) Grant ad-interim ex-parte relief in terms of prayer clause (iv) and (v) above.

vii) Allow this petition and grant any other relief, which this Hon'ble Court may deem fit and proper in the interest of justice.

3. Learned counsel appearing for the parties jointly submit that the controversy involved in the instant petition is squarely covered by an order dated 15/01/2025 passed by the Division Bench of this Court in Writ Petition 4303 of 2024 (*Breezy Fans and Furniture Company Akola and ors. Vrs. State of Maharashtra and ors.*).

4. In view of the aforesaid submission and with a view to maintain parity and for the reasons assigned in the said order, the impugned communications dated 19/04/2022 and 28/02/2024 insofar as it relates to the petitioner is hereby quashed and set aside

5. The writ petition is allowed and disposed of.

6. Rule is made absolute.

(ANIL S.KILOR, J.)

(CHIEF JUSTICE)

Kavita