

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5938 OF 2002**

Padmakar Krishnarao Bhagwatkar
and Ors.

..Apellants

VERSUS

State of Maharashtra
and Anr.

..Respondents

O R D E R

1. This appeal has been filed against the judgment and order dated 30th of July, 2001 passed in Writ Petition No.1228 of 2001 by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur by which Section 67 of the Maharashtra Land Revenue Code, 1966 was challenged. The said writ petition was dismissed by the High Court in limine. At the time of hearing of this appeal, it was informed by the learned counsel for the appellants that a large number of writ petitions have been filed by the different writ petitioners challenging the same levy in respect of the Nagpur town imposed by the Municipal Corporation of Nagpur. Since the writ petition was dismissed by the High Court in limine in respect of which this appeal has now been preferred and on the same issue other writ petitions have been fixed for final disposal by the High Court in the month of June, 2008, we feel it fit and proper to direct that the writ petition should also be heard along with the other writ petitions which, we are informed, are fixed for hearing, as noted herein earlier.

2. Accordingly, the impugned order is set aside and the writ petition of the appellant is restored to its original file and is to be decided in the manner already indicated above.

3. We make it clear that we have not gone into the merits of the writ petition which was dismissed by the High Court,

accordingly, the same shall be decided by the High Court in accordance with law along with other writ petitions now lying for disposal before the High Court.

4. The appeal is, therefore, allowed to the extent indicated above. There will be no order as to costs.

.....J.
[TARUN CHATTERJEE]

New Delhi;
May 01, 2008.

.....J.
[HARJIT SINGH BEDI]