

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

WRIT PETITION NO.1989 OF 2015

[Shri Amit Ashoksingh Thakur .vs. Nagpur Improvement Trust, Nagpur and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri U.K. Bisen, counsel for the petitioner.
.....

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : SEPTEMBER 03, 2015.

By this petition, the petitioner seeks a direction to the Nagpur Improvement Trust to decide the representation of the petitioner and regularize the petitioner's plot of land bearing no.19 under Gunthewari Developments (Regulation, Up-gradation and Control) Act, 2001 in favour of the petitioner. The petitioner seeks a direction to the Nagpur Improvement Trust to take suitable legal action against the respondent no.3 for forging the documents and getting his plot regularized as plot no.19.

According to the petitioner, though the petitioner is the owner and possessor of plot no.19 in the lay-out and the respondent no.3 is the owner of plot no.22, the respondent no.3 has forged and fabricated the document of title i.e. the sale deed and depicted before the Nagpur Improvement Trust that he had purchased plot no.19. It is stated that the Nagpur Improvement Trust has, without scrutinizing the case of the respondent, as required by the provisions of Section 4 of the Act, 2001, regularized the plot of the respondent no.3, though he has purchased plot no.22 and not plot no.19.

The prayer made by the petitioner cannot be considered in exercise of the writ jurisdiction. A direction cannot be issued to the Nagpur Improvement Trust to regularize the plot of the petitioner. If the petitioner claims that the respondent no.3 has forged and

fabricated the sale deed executed in his favour and has tampered with the documents, it would be necessary for the petitioner to get the dispute adjudicated in a civil court. The question of dual ownership on plot no.19 arises in the instant case and in the circumstances of the case, no direction of the nature, as sought in the petition, could be issued to the Nagpur Improvement Trust. The petitioner is free to take appropriate proceedings, if so advised.

In the circumstances of the case, the writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE

Gulande