

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

WRIT PETITION NO. 4207 OF 2014

(Bhagwan s/o Chandrabhanji Rokde vs. Nagpur Improvement Trust, Nagpur thr. its
Chairman & Anr.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
JANUARY 05, 2015.**

Heard Shri Bhandarkar, learned counsel
for the petitioner.

The question is whether the compound
wall allegedly demolished by the respondents after
service of notice dated 03.05.2014 was on Survey No.
76 or on Survey Nos. 77 & 78.

The argument is, the petitioner is in
possession of Survey No. 76 only and he has no
connection with Survey Nos. 77 & 78.

We find that on 29.04.2014, the Nagpur
Improvement Trust issued a notice to the petitioner
alleging encroachment on Survey Nos. 77 & 78 in
Mouza – Binaki. The petitioner gave representation
on 30.04.2014 and pointed out the above facts. It
appears that he also lodged a police complaint on
28.04.2014. Thereafter another notice dated

03.05.2014 was issued and then impugned action of removal of compound wall has been taken. The present petition was then drafted on 07.05.2014 and was filed before this Court. Till this date, no notice is issued to the other side. It appears that some disputed questions of facts arise in this matter.

In this situation, with liberty to the petitioner to take recourse to such other remedies as are open in law, we dispose of the present writ petition. No order as to costs.

JUDGE

JUDGE

**G.S.*