

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

Writ Petition No.3777/2014

Pradeep Ramrao Dorlikar & others Vs. Nagpur Improvement Trust and others

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Shri R. V. Gaikwad, Advocate for the petitioners.
Shri T.R. Kankale, AGP for the State.

CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR , JJ.

DATED : MARCH 26, 2015.

Heard.

By this petition, the petitioners challenge the order of the Chairman, Nagpur Improvement Trust, Nagpur dated 17.4.2014 allotting the plots to the affected evictees.

Shri Mishra, the learned counsel for the Nagpur Improvement Trust raises a preliminary objection to the tenability of the writ petition in view of the existence of an alternate efficacious remedy of filing an appeal before the State Government under Section 108-A of the Nagpur Improvement Trust Act, 1936. It is stated that the order

making the allotment has been passed in exercise of the powers of Nagpur Improvement Trust under Section 76 of the Act and the Rules framed under the Act. It is stated that in stead of filing an appeal to the State Government, the petitioner has rushed to this Court invoking jurisdiction under Article 226 of the Constitution.

We up-hold the preliminary objection raised on behalf of the Nagpur Improvement Trust on a reading of the Act and the impugned order. It would be necessary for the petitioner to file an appeal under Section 108A of the Act to the State Government. We decline to entertain the writ petition in view of the existence of the alternate efficacious remedy, wherein the issues involved in the case could be adjudicated.

In view of the aforesaid, the writ petition is disposed of, with no order as to costs. The points raised in the petition are kept open.

At this stage, Shri Gaikwad, the learned counsel for the petitioner, seeks continuation of the ad-interim relief granted by this Court for a period of eight weeks, so that the petitioner could avail the alternate remedy.

The request made on behalf of the petitioner is just and reasonable.

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We, therefore, continue the interim relief for a period of eight weeks only.

Order accordingly.

JUDGE

JUDGE

Ambulkar