

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

**WRIT PETITION No. 4814/2014.**

Smt. Archana Avinash Bhonde and others.

**-VERSUS-**

Nagpur Improvement Trust, Nagpur.

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

Court's or Judge's Orders

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Shri N.S. Deshpande, Advocate for the Petitioners.  
Shri R.O. Chhabra, Advocate for the Respondent.

**CORAM : SMT.VASANTI A. NAIK**  
**AND A.M. BADAR, JJ.**

**DATE : JULY 23, 2015.**

By this petition, the petitioners challenge the action of the respondent Nagpur Improvement Trust in refusing to regularize the plot of petitioners under Maharashtra Gunthewari Developments (Regulation, Upgradation and Control) Act, 2001. The petitioners seek a declaration that they are entitled for the regularization of their plot under the Gunthewari Act.

Shri Chhabra, the learned Counsel for the Improvement Trust submits that the plot of petitioners cannot be regularized as the plot falls in the land that

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is reserved for a play ground, as per the Development Plan. It is submitted that it would not be possible for the Improvement Trust to regularize the plot when the same is affected by the Development Plan, and is reserved for a playground.

In the circumstances of the case, it would not be possible for this Court, in exercise of writ jurisdiction, to direct the respondent Improvement Trust to regularize the plot of the petitioners, if the plot falls within the land, which is earmarked for a playground in the Development Plan. The petitioners cannot seek the regularization of the plot unless the reservation of the plot stands deleted by modification of the Development Plan. Since it is the case of the petitioners that a large piece of land was earmarked for the playground and since a part of the said land already stands dereserved and construction has come up on the area reserved for the playground, the respondent Improvement Trust is, free to take appropriate action to delete or modify the development plan in view of the change in circumstances. However, it would not be possible for this Court to grant the relief sought by the petitioner,

in exercise of the writ jurisdiction.

In the result, the Writ Petition fails and is dismissed, with no order as to costs.

**JUDGE**

**JUDGE**

Rgd.