

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

WRIT PETITION No. 6552/2013.

Smt. Shakuntalabai Shalikram Chaurasia and others.

VERSUS

Municipal Council, Kamptee and another.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : JANUARY 14, 2015.

Heard Shri J.J. Chandurkar, learned
Counsel for the petitioners, Shri A.M. Qazi, learned
Counsel for respondent no.1 and Mrs. K.S.Joshi,
learned A.G.P. for respondent no.2.

Perused reply. It shows that shop blocks of
petitioners were demolished some time in the year
2008 for road widening by the Nazul Department.

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Those shops were having shop nos. 87 to 89. According to the petitioners, Municipal Council assured them the alternate shops.

Petitioners claim that accordingly shop blocks have been allotted to encroachers in Gujri Bazar area in Municipal limits.

Shri Qazi, learned Counsel appearing for respondent no.1 Municipal Council states that the shops blocks in Gujari Bazar have come up on land which has been allotted to encroachers by the Nazul department.

Mrs. Joshi, learned A.G.P. appearing on behalf of respondent no.2 states that shop nos. 87 to 89 were on nazul land and an encroachment. Those encroachments were removed for the purpose of road widening. Respondent no.2 or the State Government did not assure the petitioner any alternate accommodation at that time. She further seeks adjournment of two weeks to find out correct position in relation to shop blocks which have come up in Gujari bazar area.

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Material on record shows that encroachers have been allowed to settle in Gujar bazar area. What was the procedure followed then, is not on record. One of the contentions of petitioner is, though they tried to obtain information under Right to Information Act or made various representations, information has not been given and representations have not been looked into.

Petitioners have already lost their shops and it appears that encroachers, similarly situated have been allotted either land or shop blocks. We are therefore, not inclined to go into all these niceties at this stage when facts are not clear. Whether any open and transparent process was followed while undertaking this process is, the moot issue. We direct the petitioners to move appropriate representation to the respondent no.1 or respondent no.2, including the Collector, Nagpur pointing out grievance and raising their demand. If the Authorities receive such representation within a period of four weeks from today, the Authorities shall after extending opportunity

of hearing to the petitioners, consider it in accordance with law and take suitable decision upon it within a further period of eight weeks.

Leaving all rival contentions open, and with above directions, we dispose of the Writ Petition.
No costs.

Rgd

JUDGE

JUDGE