

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

WRIT PETITION NO. 244 OF 2015

(Shri Mir Jafar Hussain s/o Sayyed Mohiuddin and others vs. City of Nagpur Municipal Corporation and others)

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

Shri M.G. Bhangde, Senior Advocate with Shri S.N. Tapadia, Advocate for petitioners.

Shri J.B. Kasat, Advocate for respondent nos.1 and 2.

Shri M.V. Samarth, Advocate for respondent no.3.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JUNE 23, 2016

The matter is being considered by this Court since last few dates.

During hearing, we found that basic facts, which must have entered the consideration of respondent no.1 Nagpur Municipal Corporation, were not available with respondent no.1.

Adv. Kasat upon instructions from respondent no.1 states that if permitted, respondent no.1 will take fresh decision after giving petitioners necessary opportunity at the earliest.

Learned Senior Adv. Bhangde with

Adv. Tapadia is opposing any such leave. According to him, as facts are now on record of this Court, this Court should decide the controversy as otherwise it may lead to filing of one more petition before this Court.

The respondent no.3 Nagpur Improvement Trust has in its reply-affidavit before this Court stated that 24 meters existing IRDP road is outside the boundaries of layout of Jafar Nagar Sudhar Samiti. Necessary data in this respect is not readily available with the Nagpur Municipal Corporation.

As request is for grant of T.D.R. and it is to be considered by respondent no.1, which is a Local Body and Planning Authority for Nagpur City, we find it appropriate to direct respondent no.1 to re-consider application dated 3/11/2006 within six weeks and to take suitable decision upon it within said period.

Representative of petitioners shall appear before respondent no.1 for this purpose on 27/6/2016 and shall abide by his further instructions in the matter. The time limit prescribed shall commence from 27/6/2016.

In view of the statement made, it is apparent that the impugned communication dated 2/9/2014 does not survive. It is accordingly quashed

and set aside.

With these directions and keeping all rival contentions open, we dispose of the petition. No costs.

JUDGE

JUDGE

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