

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

WRIT PETITION NO.852/2015

Major (Retd.) Ramesh Chaturvedi and others

...Versus...

Union of India, through its Secretary, Ministry of Defence, Shastri Bhavan, New
Delhi and others

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

Court's or Judge's orders

Shri S.P. Dharmadhikari, Sr. Adv. with Shri C.S. Dharmadhikari, Adv. for petitioners
Mrs. Anjali Joshi, Advocate for respondent no.1
Ms Tajwar Khan, AGP for respondent no.3

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.

DATE : 16.02.2016

By this petition, the petitioners have sought a declaration that the restrictions imposed by SRO No.4 in the Gazette Notification, dated 13.1.2010 do not apply to the project located on plot no.13 Khasra No.97, Mouza Hazari Pahad, Nagpur. The petitioners have sought a declaration that the petitioners are entitled to continue and complete the project as the restrictions imposed by SRO No.4 in the Gazette Notification, dated 13.1.2010 would not apply to the petitioners. Certain other ancillary prayers are also made.

Though the writ petition was filed on 23.1.2015, the same could not be finally heard and as the petitioners were

desirous of completing the project on the land in question, in order to overcome the deadlock created by the pendency of the matter, they gave a proposal to the respondents vide the additional affidavit filed on behalf of the petitioners on 13.12.2015. The respondent nos.1 and 2 have filed an affidavit-in-reply to the proposal submitted by the petitioners. As per the statements made in paragraph no.7 of the reply filed on behalf of the respondent nos.1 and 2, the proposal of the petitioners has been accepted on the terms mentioned in paragraph no.7 of the reply.

Shri Dharmadhikari, the learned Senior Counsel for the petitioners submits that the writ petition could be disposed of in terms of the proposal and the statements made in paragraph no.7 of the reply filed on behalf of the respondent nos.1 and 2 as the terms mentioned in paragraph no.7 of the reply are agreeable to the petitioners.

In view of the statements recorded herein above, we dispose of the writ petition in view of the conditional acceptance of the proposal vide paragraph no.7 of the affidavit-in-reply filed on behalf of the respondent nos.1 and 2. The acceptance of the proposal on the terms mentioned in paragraph no.7 of the affidavit-in-reply filed on behalf of the respondent nos.1 and 2 would be binding on the parties. To expedite the matter in respect of the development of the project, the respondent no.3 – Collector is directed to take the necessary measurements through an authority authorised by him in that behalf and earmark the distance of 100 meters from the crest of the outer parapet wall of Vayusena Nagar, Nagpur, within a period of three months. It is

needless to mention that the parties may remain present at the time of measurements.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar