

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

**WRIT PETITION NO. 585 OF 2016**

Ganesh Gruha Nirman Sahakari Sanstha Ltd., thr.its Secretary

-vs-

The Nagpur Improvement Trust, Nagpur, thr.its Chairman

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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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Mr.Anand Parchure, counsel for the petitioner.  
Mr.G.A.Khunte, counsel for the respondent.

**CORAM : SMT. VASANTI A. NAIK &**  
**V. M. DESHPANDE, JJ.**

**DATE : 12.04.2016.**

By this writ petition, the petitioner-Sanstha seeks a direction to the respondent to implement the notices issued by the respondent-Trust to the encroachers on 07/04/1993 within a time bound period.

It appears that the respondent-Nagpur Improvement Trust served notices on the encroachers that had constructed their houses in the layout of the petitioner-Sanstha. The validity of the said notices were questioned by the encroachers in Regular Civil Suit No.712 of 1993. The suit was dismissed by the judgment, dated 03/05/2000. A first appeal was filed by the encroachers against the said judgment, but the same was dismissed in default. An application for review of the order dismissing the appeal in default was filed along with an application for condonation of delay. The same was also dismissed. It is the case of the petitioner that in view of the dismissal of the suit, filed by the encroachers, it would be necessary for the Nagpur Improvement Trust to implement the notices dated 07/04/1993 and remove the encroachments.

The respondent-Nagpur Improvement Trust has filed an affidavit-in-reply. It is stated that it is not possible to implement the notices served on the encroachers in the year 1993, as some of the encroachers have died and some other encroachers are occupying the premises. It is stated that some new encroachments are also made and due to the said development that occurred during the span of pas 20 years, the respondent-Trust was required to issue fresh notices to the encroachers on 04/04/2016. It is stated that the respondent-Trust would take appropriate steps for removal of the encroachments in pursuance of the notices served on the encroachers.

In the circumstances of the case, it would be necessary to dispose of the writ petition by directing the respondent-Trust to remove the encroachments as early as possible, in pursuance of the notices served on the encroachers after 04/04/2016, in accordance with law.

Order accordingly. No costs.

**JUDGE**

**JUDGE**