

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

WRIT PETITION NO.1215 OF 2015

(Rajesh s/o Babanrao Chunarkar vs. The Chairman, Nagpur Improvement Trust and another)

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

Shri A.V. Bhide, Advocate for petitioner.
Shri Kinkhede, Advocate h/f Smt. B.H. Dangre,
Advocate for respondents.

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

DATED : JULY 28, 2016

Heard for some time.

Effort of Adv. Bhide is to demonstrate that though 572 layouts were selected for regularisation in 2001, in 2014 another opportunity was extended to residents thereof under one window scheme. They were given time to apply for regularisation. In response thereto, petitioner submitted application on 6/2/2014, but it has not been entertained. By the impugned communication dated 18/7/2014, petitioner is informed that as layout is not regularised, his application cannot be accepted. He has invited our attention to the fact that holders of immediately preceding plot of petitioner and holders

of plots thereafter have submitted similar applications and their applications have been accepted.

Adv. Kinkhede appearing for respondents is relying upon reply-affidavit. He submits that those applications of neighbours were entertained in 2001. As layout is not regularised, there is no question of entertaining belated application of petitioner.

During hearing, we find that petition has been amended as per order of this Court dated 6/7/2015 after hearing respondents and paragraph 9-A has been added to writ petition. It appears that respondents have not submitted any specific reply in relation to said paragraph.

Therefore, question is whether in 2014, any one window scheme was floated and as per that scheme, petitioner was given second opportunity to seek regularisation of his plot.

Adv. Kinkhede is seeking time to assist the Court.

The matter is pending before this Court since 4/3/2015 and this Court has granted interim relief to petitioner on 5/3/2015. Thus, period of about 17 months is already gone.

We, therefore, find that interest of justice can be met with by directing respondents to extend an

opportunity of hearing to petitioner on his application dated 6/2/2014. Only for grant of such opportunity, we set aside the impugned order dated 18/7/2014.

The petitioner shall present himself for hearing before respondent no.1 on 22/8/2016. Respondent no.1 shall after hearing the petitioner and perusing all necessary records pass fresh order in the matter.

Keeping all rival contentions open and with the above directions, we dispose of the petition. No costs.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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Kamal H. Jeswani
Private Secretary

Uploaded on :

29/07/2016