

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

Public Interest Litigation No.66/2014

(Vinod Somaji Patel and ors. .vs. Nagpur Improvement Trust and others.)

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

Court's or Judge's orders.

Mr. C.F. Bhagwani, Advocate for Petitioners.
Mrs. K.R. Deshpande, AGP for Respondent Nos. 2 & 3.
Mr. A.S. Joshi, Advocate for Respondent No.5.

CORAM : B.R. Gavai & P.N. Deshmukh, JJ.

DATED : January 28, 2016.

1. The petition has been filed contending therein that respondent no.5 is selling the land which is reserved for public utility.

2. It will be relevant to refer to the averments made in paragraph 3 of the affidavit-in-reply filed by respondent No.5 which reads thus:-

*"The society has no intention to convert the said P.U.L. into plots and there is no change in the layout map. The map annexed by the petitioner as annexure No.II is incorrect map, on the contrary the map annexed with this reply as **Annexure No. R-1** is the correct map which is sanctioned by Gram Panchayat Wadi Dt. 20.12.1986. It is totally false and hence denied that the respondent no.5 is selling the said public utility land by laying the plots over it. The plot No.79-A was in existence at the time of*

sanctioning the layout by Gram Panchayat Wadi. This particular plot No.79-A is adjacent to the public utility land and it was demarcated after the completion of layout map. Therefore the said plot was not situated near plot no.79. The sale-deed dt. 12th March 2013 in respect of plot no.79-A is not a part and parcel of public utility land though it was situated near the public utility land. Therefore the aforesaid sale-deed is legal one and it has no concern with the public utility land. The plot no.79-A is in possession of Chandrashekhar Kawre and Prakash Muttaya Manthapurwar as owner thereof."

3. It could thus be seen that it is the specific stand of respondent no.5 that it is not selling any land which is reserved for public utility.

4. In that view of the matter, we are not inclined to entertain the petition. The petition is rejected.

JUDGE

JUDGE