

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3890/2016

(Amol Gajanan Gore and seven others vs. The State of Maharashtra and another)

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

Court's or Judge's order

Mr. R.Chandurkar, Advocate for the petitioners
Mr. V.P.Gangane, Assistant Government Pleader for
Respondent no. 1

CORAM : SMT. VASANTI A.NAIK &
MRS.SWAPNA JOSHI, JJ.

DATED : 11th July, 2016

Heard.

By this Writ Petition, the petitioners challenge the notice of the Nagar Parishad, dated 4.7.2016, asking the petitioners to vacate the shop premises within a period of seven days or else, appropriate action would be initiated against the petitioners.

It is the case of the petitioners that the petitioners were inducted in the shop premises by the Village Panchayat. It is stated that the Village Panchayat of Zari-Jamni was later on converted into Nagar Parishad, Zari-Jamni. According to the petitioners, though agreements were entered into between the petitioners and the Village Panchayat, in respect of the shop premises, the petitioners

were not granted copies of the said agreements. It is stated that the resolution of the Gram Panchayat and the agreements that were entered into between the petitioners and the Village Panchayat are in possession of the Nagar Parishad, which has taken over the records of the Gram Panchayat. It is stated that the action on the part of the respondents to ask the petitioners to produce the relevant documents or else vacate the premises, is bad in law.

We are not inclined to entertain the Writ Petition challenging the aforesaid notice, in exercise of the writ jurisdiction. It is difficult to believe that the copies of the agreements were not supplied to the petitioners, if they were executed between the petitioners and the Village Panchayat. By the impugned notice, the respondent-Nagar Parishad has merely asked the petitioners to produce any documents whatsoever to prove that they have been legally inducted into the shop premises, however, the petitioners are not able to produce them, except the rent receipts. The issues involved in this Writ Petition cannot be decided in exercise of the writ jurisdiction. If the petitioners so desire, they are entitled to take up appropriate proceedings.

In the aforesaid circumstances, we dismiss the Writ Petition, with no order as to costs.

At the request made by the learned counsel for the petitioners, we protect the possession of the petitioners for a period of seven days only, so as to grant an opportunity to the petitioners to avail the appropriate remedy.

Steno copy is granted.

JUDGE

JUDGE

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