

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

WRIT PETITION NO.1235/2017

Ravindra Kumar Ganeriwala and others

..Vs..

State of Maharashtra, Department of Revenue, through its Principal Secretary,
Mantralaya, Mumbai 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 A.R. Patil, Advocate for the petitioners.
Shri N.R. Patil, A.G.P. for respondent Nos.1 to 4 and 6.
Shri A.M. Ghare, Advocate for respondent No.5.

CORAM : Z.A. HAQ, J.

DATE : 21.11.2017.

Heard.

The petitioners claiming to be tenants of the respondent No.5 - Society have challenged the order passed by the learned Collector by which directions are given to take possession of land in question. While issuing the notice by order dated 1st March, 2017 this Court recorded that *prima facie* it appears that the petitioners have no independent right and unless the respondent No.5 Society raises challenge in the matter, the grievance of the petitioners cannot be considered. In response to the notice, the respondent No.5 - Society has put in appearance. The learned Advocate for the respondent No.5 - Society has made a statement that the Society has showed its willingness to hand over the

possession of land in question to the State Government and it does not intend to challenge the order passed by the learned Collector.

The learned Advocate for the petitioners has pointed out copy of communication dated 31st October, 2017 issued by the In-charge Officer (Nazul) to Prakash Lonare, President of respondent No.5 - Society which shows that the respondent No.5 has submitted an application to the concerned Authority for grant of alternate land. The submission made on behalf of the petitioners is that their possession should not be disturbed until alternate land is granted to the respondent No.5 - Society and the petitioners, who are tenants of the respondent No.5, are accommodated.

The learned A.G.P. has submitted that the land in question is required for construction of "Heritage Walk" proposed by Nagpur Metro Railway Corporation Limited.

Considering the fact that the petitioners have no independent right and the respondent No.5 - Society is not challenging the impugned order and the respondent No.5 - Society has admittedly not applied for renewal of lease in respect of land in question, the grievance made by the petitioners in the present petition cannot be considered. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

It is clarified that the orders passed in these proceedings will not affect the proceedings for grant of alternate land as reflected by the above referred

communication dated 31st October, 2017.

C.A.W. NO.1232/2017

In view of the disposal of writ petition, this application for amendment does not survive and is **disposed** accordingly. No costs.

C.A.W. NO.1142/2017

In view of the disposal of writ petition, this application for stay does not survive and is disposed accordingly. No costs.

JUDGE