

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

PUBLIC INTEREST LITIGATION NO. 86/2015.

Ranjeeta Arvind Chapke and others.

-VERSUS-

State of Maharashtra and others.

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

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND ROHIT B. DEO, JJ.

DATE : JULY 05, 2017.

Heard Shri A. Parchure, learned Counsel
for the petitioners, learned A.G.P. for respondent nos.
1 and 2, Shri S.M. Puranik, learned counsel for
respondent no.3, Shri A. Kunte, learned Counsel for
respondent no.4, Shri H.W. Dhabe, learned Counsel for
respondent no.5 and Shri S.R. Narnaware, learned
Counsel for intervenors.

2. This Court has on 28.07.2016 passed the
following order :

“ Additional affidavit has been filed
by respondent no.5. In the affidavit though a
dispute is sought to be raised regarding the

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ownership of the land in question between the Nagpur Improvement Trust and respondent no.5, an undertaking is given in paragraph no.3 that the said respondent shall remove/demolish the tin shed structure standing on sewerage line by the end of academic session 2016-17.

We accept the undertaking and direct respondent no.5 to remove whatever structure stands on the sewerage line on or prior to 30.04.2017.

We make it clear that we are not going into the dispute regarding the ownership of the land in question between the N.I.T. and respondent no.5 and the said question is kept open to be adjudicated upon by the competent authority.

Post the matter in the first week of May, 2017.”

3. Respondent no.5 has accordingly removed part of the structure which was on sewerage line.
4. From affidavit filed by respondent no.2 it appears that the respondent no.2 has realized its mistake and therefore, has rejected the proceedings instituted before it. With the result, the order dated 24.03.2015 in case no. 2808/2013, which prohibited the Nagpur Improvement Trust from further executing

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its notice dated 18.03.2015, is no longer there.

5. About remaining structure in which the school is housed and running, parties have got their respective contentions. We do not wish to go into the same in this proceeding. As Nagpur Improvement Trust can proceed further in the matter, we direct the Nagpur Improvement Trust to initiate necessary steps as per law in next six weeks.

6. All contentions of parties are kept open and can be looked into by the competent Forum as and when occasion therefor arise.

7. With this, we dispose of the present Public Interest Litigation. No costs.

JUDGE

JUDGE

Rgd.