

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**C.A.W. NO. 2919/17 IN WRIT PETITION NO. 2227 OF 2004.****(Anil Murlidhar Wadpalliwar .vs. The State of Maharashtra & others)**

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

Court's or Judge's orders

Mr. Anand Parchure, Advocate (Amicus Curiae) with Mr. Agnihotri, Advocate for petitioner,
Mr. S.M. Ukey, Addl. G.P. for respondent nos. 1 to 3, 5 & 7,
Mr. S.K. Mishra, Senior Counsel with Mr. Deogade,
Advocate for respondent no.4.

CORAM : B.P. DHARMADHIKARI & MRS. SWAPNA S. JOSHI, JJ.

DATED : JANUARY 29, 2018.

1] In view of the orders passed by this Court on 4.10.2017 and 6.12.2017, the Chairman of Nagpur Improvement Trust has today submitted that proper steps have been initiated and action against employees including ex-employees *prima facie* found negligent has been initiated.

2] Mr. S.K. Mishra, learned Senior Counsel for respondent no.4, upon instructions states that show-cause notices have been issued to those employees and hence Civil Application No. 2919/17 is not being pressed. He, however, earnestly requests Court to grant time of about eight weeks to Chairman to complete enquiry and to submit action taken report to this Court. The request is to stop enquiry undertaken by Justice Gilani till then.

3] Mr. Anand Parchure, learned Advocate (Amicus Curiae) for petitioner, submits that steps which could have been taken for over

last 10 to 12 years were not taken by various earlier officers of Nagpur Improvement Trust. According to him, in this situation, to save further loss of time, the Committee as appointed by this Court should be permitted to proceed further.

4] After hearing respective Counsel, we find substance in the request of learned Amicus Curiae. The step which could have been taken long back, was not taken and then when this Court appointed the One Man Committee headed by Justice Gilani (Retired), a request for recall of that order was made.

5] Though we do not have any doubt about good intentions of present Chairman of Nagpur Improvement Trust, the experience of past 10 to 12 years which is apparent on the face of record before us does not permit us to stop enquiry. The Chairman can proceed further with action initiated and submit whatever report he wishes to Justice Gilani Committee. We request said Committee to proceed further in the matter as already directed.

6] In view of this, we list the matter for further consideration on 21.3.2018. Liberty to parties to move the Court in the meanwhile, if any occasion therefor arises.

7] C.A. No. 2919/17 is accordingly disposed of. We clarify that all allegations against the learned Amicus contained in that application stand expunged.

8] Consequently, C.A.W. No. 1602/18 filed by Chairman seeking extension of time does not survive. It is rejected.

Judge

Judge

J.