

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

WRIT PETITION NO.1676 OF 2017

(PROPOSED DEVKINANDAN GOVERNMENT EMPLOYEES HOUSING COOP. SOCIETY...VS..
 DIVISIONAL COMMISSIONER, AMRAVATI & OTH.)

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

Court's or Judge's orders

 Shri Uday Dastane, Advocate a/w. Shri P.P.Kotwal, Adv. for Petitioner.
 Ms Tajwar Khan, A.G.P. for Respondent Nos. 1 to 5.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 21, 2019.

Heard.

The petitioner-Proposed Housing Co-operative Society had submitted application to the State Government on 4th July 2007 under the provisions of the Maharashtra Land Revenue Code, 1966 and the Maharashtra Land Revenue (Disposal of Government Land) Rules, 1971, requesting for allotment of 13855 square meters of land (plots) for the purpose of housing. This application submitted by the petitioners is dismissed by the learned Collector by the impugned order.

According to the petitioner-society, the land in question was already allotted to Shivaji Nagar Society and Nandanwan Society and the petitioner-society had taken "no objection" from these two societies for allotment of the land to it. The basis of claim of the petitioner-society is that the land (plots), the allotment of which is sought by it, is already allotted to Shivaji Nagar Society and Nandanwan Society, and as these societies are not having any objection for allotment

of the land (plots) to the petitioner society, the learned Collector should have allowed the application submitted by the petitioner-society.

The respondent Nos.2 to 5 (the Collector, the Sub-Divisional Officer, the Tahsildar and the Naib-Tahsildar) have filed their reply before this Court, and in paragraph No.6 of the reply it is stated that the land (plots) in question was never allotted to Shivaji Nagar Society and Nandanwan Society. It is further stated that issuance of “no objection” by the two societies is inconsequential and it does not create any right in favour of the petitioner-society to claim allotment of the land (plots in question).

The petitioner-society has not been able to point out that the stand of the respondent Nos. 2 to 5 is not correct. The petitioner-society has not been able to substantiate its claim and has not been able to point out any legal/ statutory right in its favour to claim allotment of the land (plots) in question. Hence, I see no reason to interfere in the matter.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

The petitioner-society or its members will be at liberty to submit fresh application seeking allotment of the land (plots) in question.

JUDGE