

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

WRIT PETITION NO. 3346/2019.

Taj Ahmed Ali Ahemad and others.

-VERSUS-

Government 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

Shri R.B. Khan, Advocate for Petitioners.
A.G.P. for Respondent Nos. 1 and 3.
Shri G.A. Kunte, Advocate for Respondent No. 2.
Shri G.M. Kubade, Advocate for Respondent No.4.

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATE : SEPTEMBER 23, 2019.

Heard.

2. Petitioners in the present petition claim the
reliefs as under :

*"13. It is therefore humbly and respectfully
prayed that this Hon'ble Court may kindly be
pleased to--*

*a. To direct the respondent no.1 to
supervise and control the work of
beautification of Tajabad premises which is
being carried out by respondent no.2.*

*b. To direct respondent no.2 to
rectify the irregularities committed during the*

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work of beautification of Tajabad premises by getting the plan sanctioned by following due process of law.

c. To direct the respondent no.2 not to carry out any work in respect of beautification of Tajabad premises till the plan for beautification is sanctioned.

d. (deleted as per order dated 05.08.2019).

e. To direct the respondent no.4 not to undertake any work nor to take any decision in the matter of Tajabad premises till respondent no.3 makes the appointment of 9 board of trustees.

f. To grant interim relief and ad-interim relief in terms of prayer clause "C" & "E".

g. To grant any other relief as this Hon'ble Court may deem fit in the facts and circumstance of the case in the interest of the justice."

3. The Nagpur Improvement Trust is the authority appointed as Nodal Agency to carry out the beautification work of Tajabad premises, on 05.04.2013. The work of beautification of the premises is going on. The matter was heard on 02.05.2019, when we passed the following order :

" *The learned Counsel for the*

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petitioners submits that since there is no occupancy certificate, the construction of the shop blocks itself is illegal.

In view of the aforesaid argument, the petitioners are not entitled to remain in occupation of such shop blocks towards which the petitioners bear a hostile attitude. The Administrator shall be at liberty to proceed further in the matter to get the shop blocks vacated.

Later on, the learned counsel for the petitioners agrees that all the petitioners shall deposit the entire up-to-date arrears of rent payable as per the agreement within a period of one month from today to which the Administrator is agreeable.

In view of this, we permit the petitioners to occupy the shop blocks for a period of one month from today. If the up-to-date amount of arrears of the rent is not deposited during this period, the Administrator shall be at liberty to take steps to get the shop blocks occupied by the petitioners vacated. This is all without prejudice to the rights of the parties.

Put up after summer vacation.”

4. Petitioners who are bearing hostile attitude

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towards the Trust on one hand and are claiming interest on the Trust on the other to seek beautification, lack bonafides. Writ Petition is, therefore, dismissed. No costs.

JUDGE

JUDGE

Rgd.