

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

Writ Petition No.5337 of 2017

Surendranath s/o Madhusudan Mor

Versus

The Chairman, Nagpur Improvement Trust, Nagpur.

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

Shri Amit Khare, Advocate for Petitioner.

Shri R.O. Chhabra, Advocate for Respondent.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Dated : 11th February, 2019

The petitioner claims to have purchased the plot in question by the registered sale-deed dated 12-4-1982. The claim in this petition is that on this plot, the septic tank is constructed by the respondent- Nagpur Improvement Trust; as a result of which, the petitioner is unable to utilize the land and, therefore, the Nagpur Improvement Trust is required to pay the compensation to the petitioner.

Undisputedly, the land in question could have been regularized under the Maharashtra Gunthewari Developments (Regulation, Upgradation and Control) Act, 2001, provided the application for regularization was made prior to the date specified therein or such extended time as the Planning Authority may permit. However, no such application for regularization of

plot was made to the Nagpur Improvement Trust. In the absence of regularization of the plot, the property vested in the Nagpur Improvement Trust and long back, the septic tank was constructed, to which various sewer lines are joined. Even if the regularization had been granted, the compensation for acquisition was not payable under the Maharashtra Gunthewari Act.

In view of this, we do not find any substance in this petition. The same is dismissed.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)