

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

WRIT PETITION NO.3234 OF 2017

(Shri Hanuman Mandir Jan Kalyan Panch Committee, a registered Public Trust thr.
its Trustee Anil s/o Ajabrao Sarve and others Vs. Nagpur Improvement Trust, Nagpur
thr. its Chairman)

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

Court's or Judge's orders.

Shri C.F. Bhagwani, Advocate for Petitioner.
Shri R.O. Chhabra, Advocate for Respondent.

CORAM: RAVINDRA V. GHUGE AND
S.M. MODAK, JJ.

DATE: 13th FEBRUARY, 2020.

1] We have heard the learned Advocate for the respective sides. A host of disputed factors are canvassed before us. The petitioner desires that this Court should exercise its jurisdiction under Article 226 of the Constitution of India to consider whether the petitioner is an encroacher or not and whether the respondent Nagpur Improvement Trust is entitled to remove the alleged encroachment. Moreover, a statutory remedy under Section 108-A of the Nagpur Improvement Trust Act, 1936 is a remedy available to the petitioners.

2] In view of the above, this petition is disposed off.

3] If the petitioners approach the Competent Authority under Section 108-A on or before 29.02.2020, the time spent by the petitioner in this Court from 23.05.2017, till the passing of this order, shall be considered as a ground

for condonation of delay, if any. The *ad-interim* protection granted by this Court shall lose its efficacy on 29.02.2020 and the Competent Authority would be at liberty to take a decision in the appeal on its own merits.

(S.M. Modak, J.)

(Ravindra V. Ghuge, J.)