

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

WRIT PETITION NO. 5898 OF 2018

Smt. Nalini w/o Harihar Tejekar

..vs..

Nagpur Improvement Trust, Nagpur and anr.

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

Court's or Judge's orders

Shri P.V. Ghare, Advocate for petitioner.
Shri S.M. Puranik, Advocate for respondent no.1.
Shri M.M. Sudame, Advocate for respondent no.2.

CORAM : A.S. CHANDURKAR AND VINAY JOSHI, JJ.
DATED : 3rd FEBRUARY, 2020.

The grievance of the petitioner is that despite making various representations to the respondent no. 1 as regards alleged illegal construction undertaken by the respondent no.2 no cognizance of those representations has been taken. In reply to the writ petition it has been stated on behalf of the respondent no. 1 that on 03.02.2016, the notice under Section 53 of the Maharashtra Regional Town Planning Act, 1996 has been issued to the respondent no. 2. Insofar as the respondent no. 2 is concerned it has been stated in his reply that after issuance of that notice the officials of the respondent no.1 had visited the site and found that the respondent no. 2 was in rightful possession.

It is not necessary to adjudicate the respective rights of the parties in the present writ petition. Interests of justice would be served by permitting the respondent no. 1 to take the notice dated 03.02.2016 to its logical end. This shall be done in accordance with law. It is noted

that from 27.08.2019 the respondent no.1 has ceased to be the planning authority. All rights of the parties are kept open.

Writ Petition is disposed of with the aforesaid directions.

(VINAY JOSHI, J.)

(A.S. CHANDURKAR, J.)

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