

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

**PUBLIC INTEREST LITIGATION NO.11/2018**

Naseem Khan Dildar Khan and another

Vs.

Divisional Commissioner and others.

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

Court's or Judge's order

Shri S. S. Shingne h/f Shri U. J. Deshpande, Advocate for the  
petitioners.

Ms. N.P. Mehta, Assistant Government Pleader for respondent Nos.1  
and 2.

Shri P. P. Deshmukh, Advocate for respondent No.3.

Shri A. A. Naik, Advocate for respondent No.4

**CORAM : R.K. DESHPANDE &  
AMIT B. BORKAR, JJ.**

**DATED : 26<sup>th</sup> FEBRUARY, 2020.**

. The prayer in this petition is to handover the possession of Survey No.3/1 at Tahsil Patur to respondent No.3 – Municipal Council. It is not in dispute that the land in question was allotted to the respondent No.4 – Society and the members of the Society have constructed the residential houses.

2] The complaint in the petition is that some of the plots meant to be used for residential purpose, are being used for commercial purpose. If this is the position, it is open for the petitioners to approach the Municipal Authorities with such grievance. If such grievance is made, the respondent No.3 – Municipal Council shall look into it and find out whether the user is in violation of the permission granted and pass an appropriate order in this regard.

3] With the above observations, Writ Petition is dismissed. All questions are left open.

4] The petitioners are permitted to withdraw an amount of Rs.50,000/- deposited in this Court.

**JUDGE**

**JUDGE**

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