

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

CONTEMPT PETITION NO.105/2018 IN
WRIT PETITION NO.967/1992(d)

Citizen Uplift Society, through its President.
Vs.

Deepak Maiskar, The Chairman, Nagpur Improvement Trust, Nagpur and another.

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

Court's or Judge's Order

Shri S.S.Ghate, Advocate for petitioner.
Shri R.O.Chhabra, Advocate for respondent no.1.
Mrs. S.Jachak, Assistant Government Pleader for respondent no.2.

CORAM :- A.S.CHANDURKAR AND N.B.SURYAWANSHI, JJ.
DATED :- FEBRUARY 03, 2021.

The grievance of the petitioner is the alleged non-compliance of the common judgment in Writ Petition No.934/1994 with connected writ petitions that despite allotment of plot, the possession of the plot in question has not been handed over to the petitioner. Attention is invited to the observations made in paragraph 75 of the said order which are as under :

“75. For the above reason also, the points as raised and submitted by the petitioners have no force and accordingly rejected. The respondent NIT is free to allot the land by following due procedure of law for public purpose as announced. There is no arbitrariness or any illegality in doing so.”

The aforesaid writ petitions were ultimately dismissed and the judgment of this Court was upheld by the Hon'ble Supreme Court.

Perusal of the observations in paragraph 75 indicate that this Court has merely observed that the Nagpur Improvement Trust is free to allot the land by following due procedure of law for public purpose as announced. We do not find any specific direction issued to the Nagpur Improvement Trust which can be relied upon by the petitioner to allege its non-compliance. Moreover, in the reply filed by the Nagpur Improvement Trust a specific stand has been taken that in the year 2001 as per sanctioned development plan, the user of the plot was for Dispensary and Maternity Home while in the year 1990 when the plot was allotted to the petitioner the user was shown as public utility.

We find that the petitioner has other remedies if it is aggrieved by not getting the possession of the plot in question. We are therefore not inclined to entertain the contempt petition. The contempt petition is dismissed.

The petitioner is free to take such steps as are permissible in law to get the possession of the plot in question from the Nagpur Improvement Trust.

JUDGE

JUDGE

Andurkar.