

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

Writ Petition No. 5483 of 2019

Dr. Vikram s/o. Marotrao Kamble and others ...Petitioner

Versus

Nagpur Improvement Trust, Kingsway, Nagpur,
through its Chairman and another ...Respondents

Shri S.P. Bhandarkar, Advocate for the Petitioner

Shri S.M. Puranik, Advocate for Respondent No.1.

Shri G.A.Kunte, Advocate for Respondent No.2.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 01 FEBRUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioners who are owners of the plots, details of which are given in the Petition. They have filed this Petition with a limited prayer as under:

“a) By an appropriate order, and/or direction, direct the Nagpur Improvement Trust to consider & decide the applications for regularization of the plots of the Petitioners, along with existing constructions on such property, at the earliest, in view of order passed by this Hon’ble Court in WP No.7439/2019 dated 11.06.2019.”

3. Notice was issued in this Petition on 05 August 2019, thereafter, it is pointed out that the authority who will consider the application, would be Nagpur Municipal Corporation. Accordingly the Petitioner have carried out an amendment and added Nagpur Municipal Corporation as party-Respondent.

4. The learned counsel appearing for Nagpur Municipal Corporation states that though it is correct that it would be the Municipal Corporation who would decide the application for regularization in respect of the concerned plots, however, the Petitioners have not made any application to the Municipal Corporation under the provisions of the *Maharashtra Gunthewari Developments (Regularisation, Upgradation and Control) Act, 2001*.

5. The learned Counsel for the Petitioners points out that under the instrument, by which the area got transferred from the Nagpur Improvement Trust to the Nagpur Municipal Corporation, all such applications deemed to have been transferred to the Nagpur Municipal Corporation.

6. Though the applications made to the Nagpur Improvement Trust would be transferred to the Nagpur Municipal Corporation, as a matter of administrative convenience for Nagpur Municipal Corporation, the Petitioners will supply one more copy of their application to the Nagpur Municipal Corporation within a period of two weeks. Thereafter the decision be taken by the Nagpur Municipal Corporation within eight weeks on its own merits.

7. The Writ Petition is disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]