

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

WRIT PETITION NO.1250 of 2021

Smt. Uma w/o R.D. Sharma ...Petitioner

Versus

The Chairman, Nagpur Improvement Trust
and another ...Respondents

WITH

WRIT PETITION NO. 7616 OF 2019

Smt. Ashatai w/o. Suresh Deogade ...Petitioner

Versus

The Chairman, Nagpur Improvement Trust
and others ...Respondents

WITH

WRIT PETITION NO. 7617 OF 2019

Smt.Gangabai w/o. Shivcharan Nikhare ...Petitioner

Versus

The Chairman, Nagpur Improvement Trust
and others ...Respondents

WITH

WRIT PETITION NO. 8198 OF 2019

Shri Vinod s/o Santosh Shende ...Petitioner

Versus

The Chairman, Nagpur Improvement Trust
and others ...Respondents

WITH
WRIT PETITION NO. 8197 OF 2019

Shri Maroti Ganpatraoji Tajne ...Petitioner

Versus

The Chairman, Nagpur Improvement Trust
and others ...Respondents

WITH
WRIT PETITION NO. 8196 OF 2019

Shri Goma Maniramji Kakde ...Petitioner

Versus

The Chairman, Nagpur Improvement Trust
Nagpur and others ...Respondents

WITH
WRIT PETITION NO. 8199 OF 2019

Shri Bhimrao Maniramji Kakde ...Petitioner

Versus

The Chairman, Nagpur Improvement Trust
Nagpur and others ...Respondents

Mrs. S.K. Paunekar, Advocate for the Petitioners in all the Petitions.

Mr. Rajiv Chhabra, Advocate for the Respondent Nos.1 and 2 in all the Petitions.

Mr. Girish Kunte, Advocate for Respondent No.3, Municipal Corporation in all the Petitions.

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

DATED : 8 MARCH 2021

P.C. :

Heard the learned Counsel for the parties.

2. The learned Counsel for the parties jointly state that all these Petitions are covered by the order passed in the Writ Petition No.5212 of 2019 and other connected matters, dated 19 January 2021.

3. The Petitioners in this group of Petitions are owners of the lands, details of which have been given in the Petition. The Petitioners had initially filed this Petition against the Nagpur Improvement Trust being aggrieved by non-issuance of release letter in respect of their construction with reference to the provisions of Maharashtra Gunthewari Developments (Regulation Upgradation and Control) Act 2001.

4. The Nagpur Improvement Trust had refused to grant them the release letter as sought for. During the pendency of the Petition the lands which are subject matter of these Petitions came to be transferred within the jurisdiction of Nagpur Municipal Corporation. After transfer of these lands within the jurisdiction of Nagpur Municipal Corporation, no specific decision has been taken by the Municipal Corporation. An affidavit-in-reply is filed by the Nagpur Municipal Corporation. Since the Nagpur Municipal Corporation is now the Authority which has jurisdiction over the lands and the Authority to deal with the

prayers of the Petitioners, it will be appropriate that the Nagpur Municipal Corporation takes a decision in this regard.

5. Furthermore, learned counsel for the Petitioners points out that on 21 December 2020, a representation has been tendered by the Petitioners to the Nagpur Municipal Corporation to take a decision in their favour in the light of certain subsequent developments, which are referred to in the representation. The learned counsel for the Municipal Corporation states that decision would be taken by Nagpur Municipal Corporation on the said representations.

6. In the light of this position, we dispose of these Petitions by directing that the Municipal Corporation will take a decision on the representations made by the Petitioners. Within two weeks the Municipal Corporation will call upon the Petitioners to produce documents, if necessary, by a written communication and after receipt of such documents, decide the representations within a period of 08 weeks.

7. The stand taken in the reply and the impugned order passed by Nagpur Improvement Trust shall be treated as a prima facie view.

8. Writ Petitions are accordingly disposed of. No costs.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]