

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

WRIT PETITION (WP) NO. 2760/2019

Vilas Anandrao Waghmare,
Aged about 67 years, Occ : Nil,
resident of 38, MHADA Colony,
Narendra Nagar, Somalwada,
Nagpur – 440 015.

..... PETITIONER

// VERSUS //

1. Maharashtra Housing and Area Development Authority, through its Vice-President and Chief Executive Officer, Gruha Nirman Bhawan, Bandra, Mumbai – 51.
2. The Nagpur Housing and Area Development Authority, through its Chief Executive Officer, Civil Lines, Nagpur.
3. The Estate Manager,
The Nagpur Housing and Area Development Authority, Civil Lines, Nagpur.
4. The Controlling Officer (Conveyance),
The Nagpur Housing and Area Development Authority, Civil Lines, Nagpur.

.... RESPONDENT(S)

WITH
WRIT PETITION (WP) NO. 2761/2019

Kalpana Vinod Murkute,
Aged about 52 years, Occ : Housewife
resident of 33, MHADA Colony,
Narendra Nagar, Somalwada,
Nagpur – 440 015.

..... PETITIONER

// VERSUS //

1. Maharashtra Housing and Area Development Authority, through its Vice-President and Chief Executive Officer, Gruha Nirman Bhawan, Bandra, Mumbai – 51.
2. The Nagpur Housing and Area Development Authority, through its Chief Executive Officer, Civil Lines, Nagpur.
3. The Estate Manager, The Nagpur Housing and Area Development Authority, Civil Lines, Nagpur.
4. The Controlling Officer (Conveyance), The Nagpur Housing and Area Development Authority, Civil Lines, Nagpur. RESPONDENT(S)

WITH
WRIT PETITION (WP) NO. 2762/2019

Veena Pandurang Dabhade,
Aged about 60 years, Occ: Housewife,
resident of 37, MHADA Colony,
Narendra Nagar, Somalwada,
Nagpur – 440 015. PETITIONER

// VERSUS //

1. Maharashtra Housing and Area Development Authority, through its Vice-President and Chief Executive Officer, Gruha Nirman Bhawan, Bandra, Mumbai – 51.
2. The Nagpur Housing and Area Development Authority, through its Chief Executive Officer, Civil Lines, Nagpur.
3. The Estate Manager, The Nagpur Housing and Area Development Authority, Civil Lines, Nagpur.

4. The Controlling Officer (Conveyance),
The Nagpur Housing and Area Development
Authority, Civil Lines, Nagpur. RESPONDENT(S)

WITH
WRIT PETITION (WP) NO. 2763/2019

Smt. Hemlata Laxmanrao Kale,
aged about 55 years, Occ: Housewife,
resident of 49, MHADA Colony,
Narendra Nagar, Somalwada,
Nagpur – 440 015. PETITIONER

// VERSUS //

1. Maharashtra Housing and Area
Development Authority, through its
Vice-President and Chief Executive Officer,
Gruha Nirman Bhawan, Bandra,
Mumbai – 51.
2. The Nagpur Housing and Area Development
Authority, through its Chief Executive
Officer, Civil Lines, Nagpur.
3. The Estate Manager,
The Nagpur Housing and Area Development
Authority, Civil Lines, Nagpur.
4. The Controlling Officer (Conveyance),
The Nagpur Housing and Area Development
Authority, Civil Lines, Nagpur. RESPONDENT(S)

WITH
WRIT PETITION (WP) NO. 2764/2019

Namdeo Mahadeorao Kamdi,
aged about 63 years, Occ : Nil,
resident of 39, MHADA Colony,
Narendra Nagar, Somalwada,
Nagpur - 440 015. PETITIONER

// VERSUS //

1. Maharashtra Housing and Area Development Authority, through its Vice-President and Chief Executive Officer, Gruha Nirman Bhawan, Bandra, Mumbai – 51.
2. The Nagpur Housing and Area Development Authority, through its Chief Executive Officer, Civil Lines, Nagpur.
3. The Estate Manager,
The Nagpur Housing and Area Development Authority, Civil Lines, Nagpur.
4. The Controlling Officer (Conveyance),
The Nagpur Housing and Area Development Authority, Civil Lines, Nagpur. RESPONDENT(S)

Shri S.V. Sohoni, Advocate for the petitioners in all writ petitions
Shri H.N. Varma, Advocate for the respondents in all writ petitions

**CORAM : A. S. CHANDURKAR AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 11/01/2022

ORAL JUDGMENT : (PER:- A. S. CHANDURKAR, J.)

The learned Counsel for the parties agree that in view of the order passed, in Writ Petition No. 5327/2018 with connected writ petitions, on 25.07.2019, the writ petition can be disposed of with those lines.

2. **Rule.** Rule made returnable forthwith. Heard the learned counsel for the parties.

3. The petitioners are the allottees of the tenements that were constructed by respondent no. 2. It is the case of the petitioners that excess amount has been recovered by the respondents from them and hence, they seek refund of those amounts.

4. Perusal of the order dated 25.07.2019 indicates that this Court has referred to the adjudication in Civil Appeal No. 10694/2017 dated 21.08.2017 by the Hon'ble the Supreme Court. In terms thereof, those writ petitions were disposed of by directing the respective petitioners to pay the value of the additional piece of land alongwith interest at the rate of 6% per annum .

5. It is submitted by Shri H.N. Varma, learned Counsel for the respondents that in the present case the rate of the land would be Rs.2,400/- per square meter and this amount would have to be paid by the petitioners alongwith interest at the rate of 6% per annum from the date of allotment of the original plot till actual payment.

6. In view of the aforesaid, these writ petitions are disposed of by directing the petitioners to pay the value of the additional lands at the rate of Rs.2,400/- per square meter with interest at the rate of 6% per

annum from the date of allotment till actual payment within a period of six weeks from today.

7. Respondent no. 2 – the Nagpur Housing and Area Development Board, Nagpur shall furnish the necessary calculations to the petitioners to enable the petitioners to make the payment as stated above.

8. In case, the petitioners have already made the requisite payment to the Board, the same shall be taken into consideration while determining the actual amount due and payable by the petitioners.

9. Rule is made absolute in the aforesaid terms with no order as to costs.

JUDGE

JUDGE

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