

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

Writ Petition No.3668/2021

Orange City Hospital and Research Institute V The Municipal
Commissioner, Nagpur Municipal Corporation, Nagpur and another

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. M.R. Pillai, Advocate for petitioner.

Mr. S.M. Puranik, Advocate for respondents.

**CORAM : DIPANKAR DATTA, CJ &
NITIN W. SAMBRE, J.
DATE : SEPTEMBER 08,2022.**

P.C.

1) The issue in the writ petition pertains to the grant of sanction by the Local Planning Authorities i.e the respondent/Corporation for installation of the Oxygen Plant.

2) In response to the claim made by the petitioner in the writ petition, the respondent/Corporation in its affidavit dated 03-01-2022 has stated as under:-

"8. It is submitted that the petitioner vide letter dated 22.11.2021 had submitted only the letter and not the revised building plan that he has annexed along with its additional affidavit. As already submitted hereinabove NMC can sanction the oxygen plant in the north east corner of the hospital building but cannot sanction the oxygen plant at the location shown in the revised plan submitted by the petitioner for sanction as the said area also comes in the front marginal space of the building, which is not permissible. Further the area of plot no. 19 mentioned in the revised plan was 1510.43 Sq Mtrs whereas as per the sale deed the area of plots is 1161.21 Sq Mtrs thus the petitioner is not the owner of 349.22 Sq Mtrs. As per the sanctioned layout plan the petitioner has

encroached upon the 40 feet road near plots no. 1, 2 and 19 and has made construction over it and hence the proposal for revised sanction was returned to the petitioner vide letter dated 17.11.2021."

3) In the backdrop of aforesaid reply submitted by the respondent/Corporation, the learned counsel for the petitioner has made a statement, on instructions, that the petitioner is willing to shift its Oxygen Plant as has been stated by the respondent/Corporation and shall give appropriate plan for according sanction.

4) In the aforesaid backdrop, the writ petition can be disposed of by the following order :-

ORDER

i. The petitioner to submit revised plan to the respondent/Corporation seeking sanction for shifting of Oxygen Plant as suggested in the affidavit reproduced supra, within six weeks from today.

ii. After the completion of shifting of the Oxygen Plant by the petitioner, the petitioner shall give a written intimation to the respondent/Corporation.

iii. The respondent/Corporation shall within a period of one week from the receipt of such written intimation from the petitioner, carry out physical verification/inspection and shall process the prayer of the petitioner for granting sanction for the installation of Oxygen Plant.

iv. The statement made by the learned counsel for the petitioner that the shifting activities of the

Oxygen Plant will be completed within a period of six months from today, is accepted.

v. In response to the Court's query, the learned counsel for the petitioner has assured that since the petitioner is running a indoor hospital, appropriate precaution shall be taken while carrying out the shifting activities.

5) The writ petition as such stands disposed of in above terms.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)