

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

WRIT PETITION NO. 742 OF 2022

M/s Samrat Garments, A partnership firm through its Partner Shri Prasanna Modi,
..VS..

State of Maharashtra & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Mayuri Kulkarni, Advocate for petitioner.
Shri A. S. Fulzele, Addl.G.P. for respondent No.1.
Shri G. A. Kunthe, Advocate for respondent Nos.2 to 5.
Shri S. K. Mishra, Senior Advocate a/b Shri Kaustubh Deogade,
Advocate for respondent No.12

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 11.02.2022

1. Hearing was conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2. Heard Ms Mayuri Kulkarni, learned counsel for the petitioner, Shri G. A. Kunthe, learned counsel, who appears by waiving notice for respondent Nos.2 to 5 and Shri S. K. Mishra, learned Senior counsel along with Shri Kaustubh Deogade, who appears by waiving notice for respondent No.12.

3. Upon hearing the rival submissions, it appears to us that the petitioner is actually making the grievance in respect of allotment of one shop to him about which he

has entered into Memorandum Of Understanding (MOU) on 02.12.2019 and in order to put-forth such grievance, the petitioner is also seeking a relief that direction be issued to Nagpur Improvement Trust to complete the execution of the “Abhyankar Road Widening and Buty Mahal Street Scheme”, in accordance with law.

4. As regards the widening of the street, it is pointed out by Shri Kunthe, learned counsel for respondent Nos.2 to 5 that substantial part of the work is over and it is still going on. With this submission, which we have no reason to disbelieve, we do not think that any direction could be issued to the authority for completion of the road widening scheme.

5. As regards the grievance about the MOU, now it is submitted by learned counsel for the petitioner that the petitioner is okay with or the petitioner has no dispute about the market rate of the shop in respect of which MOU has been reached between the petitioner and respondent No.12 but, the difficulty of the petitioner is that the petitioner is unable to move into this shop as several conditions including obtaining of some NOCs have not been followed and complied with by the respondent No.12.

6. Shri Mishra, learned Senior counsel submits that all terms and conditions of the MOU are binding upon the parties thereto and therefore, there is no question of

committing any breach of these conditions or making any non compliance with any of these conditions. Learned counsel for the petitioner submits that so far as the conditions which are required to be followed by the petitioner are concerned, the petitioner would certainly follow them and learned Senior counsel also submits that respondent No.12 on its part would comply with all those conditions, which it has to comply.

7. With such submissions made by the rival parties, we are of the considered opinion that nothing remains in this petition and the Writ Petition is, therefore, dismissed. No cost.

JUDGE

JUDGE

Kirtak