

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

WRIT PETITION NO. 5199 OF 2022

Sayyad Amjad Ali S/o Ajgar Ali ..VS.. Government of Maharashtra and others

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

Court's or Judge's orders

Mr. Bhushan Dafle, Advocate for petitioner.
Mr. N.S. Rao, A.G.P for respondents 1, 7 to 10.

CORAM : ROHIT B. DEO AND ANIL L. PANSARE, JJ.

DATED : AUGUST 26, 2022

The petitioner claims to be in possession of shop 39 situated in the premises of the Hazrat Baba Tajudin Trust, Umred Road and is questioning the alleged demolition drive undertaken by the Board of Trustees, in furtherance of the beautification plan, in co-ordination and collaboration with the Planning Authority.

2. At the very outset, we called upon the learned counsel for the petitioner to satisfy us that the petitioner has been lawfully allotted the shop in question by the Trust. The fair response is that the petitioner has not been allotted the shop by the Trust and that the possession is delivered to the petitioner by one Jafarali Sayyadali, who is not party to the petition.

3. We are not inclined to exercise writ jurisdiction at the behest of a person who irrefutably has no claim to hold possession in the absence of valid allotment from the Trust. We further note that

insofar as the lawful allottee is concerned, the Trust has offered alternate space/premises.

4. The Writ Petition is dismissed.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

Kirtak