

IN THE HIGH COURT OF JUDICATURE AT  
BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6458 OF 2018

Rajiv Vitthalrao Gachake & Anr. -- Petitioners

Vs.

Nagpur Improvement Trust -- Respondent

None for the Petitioners

Mr. G.A. Kunte, Advocate for Respondent

CORAM : NITIN JAMDAR &  
ANIL L. PANSARE, JJ.

DATE : 28 FEBRUARY 2022

P.C. :

On 22 February 2021, following order was passed.

*“None for the Petitioners.*

*2. Stand over to 8 March 2021.*

*3. Ad-interim order to continue till next date.”*

2. Thereafter on 8 March 2021, following order was passed.

*“Again none appears for the Petitioners.*

*2. The learned Counsel for the Respondent – Nagpur Improvement Trust makes a grievance that due to an*

*ad-interim order passed on 3 October 2018, the Respondent is not able to allot the shop blocks in the Building-‘K’ constructed by the Respondent.*

*3. We have taken a note of this concern and while adjourning the matter on 22 February 2021 because the none had appeared for the Petitioners, had stated that the ad-interim order will continue till today.*

*4. While we defer the hearing of this Petition by a period of six weeks, the ad-intrim order passed is vacated. Liberty to the respondent to proceed ahead with the action regarding the allotment.*

*5. Stand over to 19 April 2021.”*

3. None appears for the Petitioners when called out. The board is notified in advance.

4. The Respondent – Nagpur Improvement Trust has filed an affidavit stating that the plans have been approved for the same residential purpose along with 8 commercial shops, there are no errors in construction of 8 shop blocks. The Petitioner No.2 himself has purchased one of those shops. This reply is filed on 11 July 2019 annexing the copy of the approved plan. No rejoinder is filed. Not only, no rejoinder is filed, the Petitioners are not appearing for last three dates. Therefore, the assertion of

the Respondent – Nagpur Improvement Trust has gone uncontroverted. There is thus no merit in this Petition.

5. The Writ Petition is accordingly rejected.

[ ANIL L. PANSARE, J. ]

[ NITIN JAMDAR, J. ]