

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

**WRIT PETITION NO. 8004/2022**

(Ramesh Narayan Chacherkar & ors. Vs. The Nagpur Municipal Corporation, Nagpur & ors.)

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

Mr. S.O. Ahmed, Advocate for petitioners.  
Mr. J.B. Kasat, Advocate for respondents.

**CORAM : VINAY JOSHI, J.**  
**DATED : 14/12/2022.**

Heard.

2. This petition raises a challenge to the order dated 30.06.2022 passed by the respondent No. 2, Deputy Municipal Commissioner (Estate), Nagpur Municipal Corporation, Nagpur in terms of Section 81-B of the Maharashtra Municipal Corporations Act, 1949. The challenge to the notice was principally for want of providing right of hearing before passing the order.

3. The learned counsel appearing for the respondents on caveat submitted that the land is required for public purpose. The Corporation has taken a decision to rehabilitate the existing ota holders. They have also floated tender with such specific condition.

4. This petition is filed by in all eight persons who are claiming licensee of the ota/blocks approximately measurement 7/7 or 7/8 ft. each. The only anxiety expressed by the petitioners is that for

several decades from their predecessor, they are doing a small kind of business on said ota and if the possession is taken, they would be on street. As noted above, the Corporation has undertaken to rehabilitate them in the proposed newly constructed tenement at the same place.

5. The respondents – Corporation has also tendered on record a tender notice having specific clause of rehabilitation of lawful occupants.

6. In view of above, the petitioners undertake to vacate premises within two weeks from today by removing all their belongings. The respondents undertake to rehabilitate the lawful occupants by allotting the same space/ota in the newly constructed complex after verifying rightful claims of the petitioners. Needless to say that the respondents would allot a space to rightful legal heirs of original licensee and would ensure to allot space to each lawful occupant of this petition.

7. In view of above petition stands disposed of.

**(VINAY JOSHI, J.)**

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JITENDRA  
BHARAT  
GOHANE

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