

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

WRIT PETITION NO. 3790 OF 2022

(Ganesh Gyanganga Bahu-udeshiya Shikshan Sanstha, Nagpur ..vs.. The State of Maharashtra, through its Secretary, Mumbai and others)

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

Court's or Judge's orders

Mrs. Rashi Deshpande, Counsel for the petitioner,
Mr. M.K. Pathan, AGP for respondents 1 and 5,
Mr. Girish Kunte, Counsel for respondents 2 and 3,
Mr. N.M. Gaidhane, Counsel for respondent 4.

**CORAM : ROHIT B. DEO &
Y.G. KHOBRAGADE, JJ.**
DATED : 03-02-2023

We were not inclined to entertain the petition.

2. We indicated to the learned Counsel Mrs. Rashi Deshpande that the locus of the petitioner-Trust to agitate the perceived grievance of the owners of the subject plot is questionable. We further indicated to Mrs. Rashi Deshpande that the fact that one of the three original owners Mr. Vishnugopal Sahu claims to be the President of the petitioner-Trust does not clothe the petitioner-Trust with the character and persona of the original owners. The Trust is a separate entity.

3. It is not in serious dispute that the original owners namely Vishnugopal, Rajesh and Smt. Ramadevi Sahu submitted layout plan, which was sanctioned. In the sanctioned layout plan the subject plot is reserved as public utility space/area. According to the planning

authority, in view of the condition of sanction, the said open space is to be handed over to the planning authority. However, the original owners illegally sought to transfer the open space by executing Gift-deed in favour of the petitioner-Trust.

4. While Mrs. Rashi Deshpande is questioning the mode and manner in which the planning authority is seeking to enforce the condition of sanctioned plan, and *inter alia*, relying on the decision of the Hon'ble Apex Court in ***Pt. Chet Ram Vashist (dead) by L.Rs. v. Municipal Corporation of Delhi, AIR 1995 SC 430***, we find that the petitioner-Trust has no locus whatsoever to invoke writ jurisdiction. The grievance assuming that there is any legitimate grievance in the matter, is that of the original owners who cannot be confused with the petitioner-Trust. At this stage, Mrs. Rashi Deshpande seeks leave to withdraw the petition.

5. The petition is dismissed as withdrawn.

(Y.G. KHOBRADE, J.)

(ROHIT B. DEO, J.)

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