



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

**WRIT PETITION NO.3646/2021**

The Education Society, Chanda, through Secretary through it's Secretary and another  
Vs. Collector, Chandrapur, Tah. And Dist. Chandrapur and others

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

Court's or Judge's orders

Ms. Sejal Lakhani, Advocate for petitioners.

Mr. A.S.Fulzele, Add. Govt. Pleader for respondent nos.1 to 3.

**CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.**

**DATED : 11/12/2023**

1. We have perused the affidavit dated 30<sup>th</sup> November, 2023 sworn by Executive Engineer, Public Works Division no.1, Chandrapur.

2. In para 3 of the said affidavit, the Executive Engineer has made following statement:

*“It is also pointed out that, the answering respondent has constructed the wall compound and the drainage only for the benefit of the public at large. The answering respondent further points out that, the work of construction of drainage along with compound wall is already completed except entrance gate portion which is the entry to the play ground. In such situation, the contentions as raised by the petitioner, cannot be accepted. In fact by construction of the drainage and compound wall by the Public Works Department on its own land in possession of the petitioner, is protected so also the facility of draining rainy water is now available even to the petitioner”.*

3. There is no counter to the aforesaid affidavit and the fact about construction of compound wall as such is not in dispute.
4. The contentions of the counsel for the petitioner are the exact date on which such construction was carried out is not disclosed and the respondents should have been very specific about the same.
5. We do not see any reason to doubt the statement made by the Executive Engineer that too on oath as reflected in paragraph 3 of the affidavit referred above.
6. In view of the above, the grievance made in the petition is redressed. No further orders are required. Accordingly, the petition stands dismissed.

**(ABHAY J. MANTRI, J.)**

**(NITIN W. SAMBRE, J.)**

ambulkar