

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

CONTEMPT PETITION NO. 291/2021
IN
SECOND APPEAL NO. 173/2008

Shalikram S/o Kishanuji Paunikar and others
Vs.
Nagpur Improvement Trust through its Chairman

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

Court's or Judge's orders

Shri S.P. Kshirsagar, Advocate for petitioners
Shri G.A. Kunte, Advocate for respondent Nos. 2 to 12 and 14

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 02/02/2023

This contempt petition is filed by the petitioner as the appellant in Second Appeal No. 173/2008 filed pursis and seeks permission to withdraw the second appeal. It was informed by way of the pursis to the Court that State Government has issued guidelines on 08/09/2010 in the form of Government Resolution for sanctioning of the unauthorized layouts. In accordance with the said guidelines, the appellant has also decided to regularize the plots in the layout of respondent-Society. To facilitate the implementation of the decision of the said resolution, the appellant sought

permission to withdraw the second appeal. It is contention of the contempt petitioner that the appellant failed to keep written statement made to this Court. Therefore, he has committed breach of statement made before this Court.

2. As against this, learned Counsel for N.I.T. submitted that as per the said guidelines they have already regularized some plots and as the plot of petitioner is reserved, it could not be regularized as it is reserved in development planning for 12 Meters wide Road, Community Center and Park. In view of orders passed in P.I.L. No. 40/2013, the respondent N.I.T. is restrained from regularizing any unauthorized construction on the lands which are reserved under the development plan for playgrounds or open spaces. In view of these orders, if the plot of petitioner is regularized in spite of the fact that it is reserved for road, park etc., the respondent will commit contempt of order passed by the Division Bench in P.I.L. No. 40/2013. As such contempt petition is not maintainable. Otherwise also, it is a pursis by which the N.I.T. informed to the Court that they will regularize the plots as per guidelines issued by Government Resolution. As the appeal is withdrawn, order passed by the First Appellate Court stands confirmed and petitioner is having remedy to execute the same.

3. As such, nothing survives in this contempt petition and the proceedings are dropped. The petitioner is at liberty to take appropriate proceedings under the Maharashtra Regional and Town Planning Act, specifically under Sections 49 and 127 for regularizing the plots.

4. The contempt petition stands disposed of.

(SMT. M.S. JAWALKAR, J.)