



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

WRIT PETITION NO.5719/2018

1. Bharat Mahadeo Parate,
aged 64 Yrs., Occ. Retired.
2. ~~Babitai Bharat Parate,~~
~~aged 61 Yrs., Occ. Retired.~~ ..Dead (deleted)
3. Aakash Bharat Parate,
aged 24 Yrs., Occ. Service.

Petitioner Nos.1 and 3
R/o Vinoba Bhawe Nagar,
Wanjri, Nagpur. ... Petitioners

- Versus -

1. The State of Maharashtra,
through its Secretary, Department
of Urban Development, Mantralaya,
Mumbai 400 032.
2. Nagpur Improvement Trust,
through its Chairman, Near
Liberty Theater, Sadar,
Nagpur. ... Respondents

Mr. R.S. Parsodkar, Counsel for the Petitioners.
Ms. Ritu Sharma, A.G.P. for Respondent No.3.

CORAM :- SMT. ANUJA PRABHUDESAI &
MRS. VRUSHALI V. JOSHI, JJ.

DATED :- 15.12.2023

ORAL JUDGMENT (Per Smt. Anuja Prabhudesai, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard
finally by consent.

2. At the outset, learned counsel for the petitioners states that petitioner Nos.2 and 3 have already given up their claim in respect of Plot Nos.B11 and B12 and that the petitioners are restricting relief only in respect of prayer clause (2a).

3. Respondent No.2 had issued an advertisement for auction of plots in village Binakhi, Vinoba Bhave Nagar, Nagpur. The petitioners participated in the said auction. Bids were accepted and they were allotted Plot Nos.B10, B11 and B12. The petitioners paid the bid amount and applied for extension to deposit the balance amount of 3/4th amount. The Government by its Government Resolution dated 6.4.2010 extended the time to deposit the balance amount by relaxing the condition. Accordingly the petitioners submitted the application to accept the amount as per Government Resolution dated 6.4.2010. The inaction on the part of respondents compelled the petitioners to approach this Court by filing the present petition.

4. The petitioner No.1 also filed additional affidavit stating that they have decided to retain only one plot i.e. Plot

No.10B in the name of petitioner No.1. Learned counsel for the petitioners further stated that petitioners will pay 3/4th amount as per Government Resolution dated 6.4.2010.

4. Since the petitioners have given up their claim on other two plots and are ready to pay 3/4th balance amount as per Government Resolution dated 6.4.2010 the petition is allowed in terms of prayer clause 2(a) which reads as follows:-

“Issue appropriate writ, order or directions in the nature of mandamus thereby direct respondent No.2 the NIT to allot plot No.B10 in the name of petitioner No.1 Bharat Mahadeo Parate and further accept balance 3/4th amount for plot No.B10 as per Govt. Resolution, dated 6.4.2010 and execute the lease in respect of plot No.B-10 in favour of petitioner No.1 Bharat Mahadeo Parate.”

Rule made absolute in the above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. ANUJA PRABHUDESAI, J.)