



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

CIVIL APPLICATION (W) NO.2803/2023

IN

WRIT PETITION NO. 5123/2023

Arjun Raghunath Wankhede Vs. The Nagpur Improvement Trust and Ors.

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

Court's or Judge's order

Mr. S. Bhutada, Advocate for Petitioner.

Mr. G. A. Kunte, Advocate for Respondent Nos.1 and 2.

Mr. J. B. Kasat, Advocate for Respondent No.3.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI,JJ..

DATED : 26.09.2023

. By this application, the petitioner seeks to raise a challenge to the proviso to Regulation with regard to delegation of powers conferred upon the Nagpur Municipal Trust under Section 52(1) of the Nagpur Improvement Trust Act, 1936. An additional ground of challenge is also sought to be raised.

2. By filing reply the amendment is opposed principally on the ground that the petitioner has a locus to file an application for amendment in absence of any sufficient pleadings in the writ petition. The objection on account of delay in challenging the notice dated 15.10.2010 is also raised.

3. Since the petitioner seeks to raise a challenge based on the aspect of delegation of powers and seeks to raise an additional ground, the amendment is allowed. However, the objection raised by the respondents on the aspect of delay in challenging the notice dated 15.10.2010

belatedly is kept open. All contentions of the respondents on merits are kept open. The amendment be carried out by 30.09.2023. The Civil Application is disposed of.

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. Stand over 05.10.2023 for further consideration.

2. It is open for the respondents to file an additional affidavit to meet the amended writ petition.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

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