



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

WRIT PETITION NO. 2352 OF 2021

(Bhimrao Maniramji Kakde & Ors.

Vs.

The Chairman, Nagpur Improvement Trust, Nagpur & Ors.)

WITH

WRIT PETITION NO. 2248 OF 2021

(Laxman Chirkutrao Patil & Ors.

Vs.

The Chairman, Nagpur Improvement Trust, Nagpur & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Swati K. Paunikar, Advocate for the Petitioners.
Mrs. Sangeeta S. Jachak, Advocate for the Respondent Nos. 1 & 2
Mr. Pratik Khedikar, Advocate h/f Mr. G.A. Kunte, Advocate for the
Respondent Nos. 3 & 4.
Mrs. Dr. Renuka S. Sirpurkar, Advocate for the Respondent No.5.

CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 9th SEPTEMBER, 2024

Heard.

2. The Petitioners claim a declaration that they are entitled to receive the release letters from the NIT in respect of the plots to which they claim title in the layout of the Respondent No.5/Society in Khasra Nos.159 and 160/1, Mouza Dabha, Tahsil and District Nagpur.

3. The aforesaid Khasra numbers are affected by 36 meter wide DP road reservation. The earlier map submitted by the Respondent No.5/Society indicated plots on the DP road, however, this position has been done away with/rectified in the revised sanctioned map dated 02.01.2006.

4. Mrs. Paunikar, learned Counsel for the Petitioners, submits that even if the revised sanctioned map dated 02.01.2006 is taken into consideration, still lands of some of the Petitioners to which they have acquired title from Respondent No.5/Society, would not be covered by the DP road reservation and to that extent they would be entitled to release of their plots for the reduced area. She therefore submits, that such a course can be directed to be verified and adopted by the Respondent Nos.1 and 2/NIT.

5. Mrs. Sirpurkar, learned Counsel for the Respondent No.5/Society, on the contrary submits, that the plots of the Petitioners in both the Petitions are affected by the DP road, as indicated in the order dated 05.09.2024 which records her contention. She further submits, that the position as recorded for the Petitioner Nos.3 and 4 in Writ Petition No.2248/2021 also avails for the Petitioner No.2 in the same Writ Petition.

6. Since this position involves disputed questions of fact, we are not inclined to go into that, we however dispose of these Petitions by directing the Respondent Nos.1 and 2 to examine the plea as raised above *vis-a-vis* the Petitioners, in light of the revised layout sanctioned map dated 02.01.2006.

In case, it is found that the plots of the Petitioners are affected by the DP road, there is no question of granting any release letter to those Petitioners. Only those Petitioners whose lands are not affected or partially affected by the 36 meter DP road, would be entitled for consideration of their pleas of release of the land to the extent of the individual plots which is not so affected by the DP road reservation.

7. The Petitions are **disposed** of in the above terms.
No costs.

8. Pending application/s, if any, shall stand disposed of accordingly.

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

(AVINASH G. GHAROTE, J.)