



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

WRIT PETITION NO. 7133 OF 2018 & CIVIL APPLICATION NO.2762 OF 2018

(Yashodeep Gruhnirman Sahkari Sanstha Ltd. Nagpur ..vs.. The Nagpur Improvement Trust, through
G.M., Nagpur and another)

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

Court's or Judge's orders

Mr. S.D. Chopde, Counsel for the petitioner.

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

DATED : 21-03-2024

We have heard Mr. S.D. Chopde, learned Counsel appearing for the petitioner, who has invited our attention to the observations made in earlier round of litigation by this Court, particularly having regard to the stand taken by the respondent-Nagpur Improvement Trust in Writ Petition No. 1883/2004 decided on 14-3-2018. Mr. S.D. Chopde, learned Counsel has categorically stated that in paragraph No.4 of the said judgment, it was the submission of the respondent-Nagpur Improvement Trust that plots comprised only in 5.96 acres which are made over to the petitioner-society though the land admeasuring 8.96 acres was allegedly handed over. Mr. S.D. Chopde, learned Counsel would urge that in view of the directions issued vide order dated 14-3-2018, the petitioner has appeared before the respondent-Nagpur Improvement Trust. However, the respondent-Nagpur Improvement Trust has for unreasonable reasons directed the measurement of

Khasra Nos. 8/1, 8/2 and 9 so as to trace the location of Plot No.114. According to him, the respondent-Nagpur Improvement Trust has admitted that the plots to the extent of 105 were handed over to the petitioner-society out of 4.48 acres when it was their own stand that the petitioner is entitled for plots from 5.96 acres.

2. This anomaly is required to be answered by the respondent-Nagpur Improvement Trust. The notice was issued way back on 23-10-2018. However, the respondent-Nagpur Improvement Trust has not taken steps in the matter to file affidavit-in-reply.

3. The petitioner has not supplied copies as his Civil Application No. 2762/2018 remained to be pending.

4. We allow the application for speaking to minutes and accordingly direct to carry out the correction in the order dated 23-10-2018.

5. We direct Mr. S.M. Puranik, learned Counsel to waive notice for respondent No.1, who acknowledges the receipt of copy of the petition.

6. Let the affidavit duly sworn by the General Manager of Nagpur Improvement Trust be placed on record within a period of four weeks from today.

7. *Status quo* to continue.

8. If the copy for effecting service is supplied within a period of one week from today, issue notice to respondent No.2. If the order is not complied with, the petition shall stand dismissed without further reference to Court.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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