



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

Public Interest Litigation No.41 of 2019

Dr. Bhalchandra S/o Jageshwar Subhedar Versus State of Maharashtra and others

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

Court's or Judge's order

Shri A.M. Sudame, Counsel for Petitioner.

Shri D.P. Thakre, Additional Government Pleader for Respondent Nos.1, 3 and 4.

Shri Nishchay Jadhav, Counsel for Respondent No.2.

Shri G.A. Kunte, Counsel for Respondent No.5.

Shri N.S. Jadhao, holding for Ms S.S. Jachak, Counsel for Respondent No.6.

Shri G.S. Singh, holding for Shri S.P. Bhandarkar, Counsel for Intervenor.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 13th MARCH, 2024

1. The respondent No.2 was allotted lease for a period of thirty years on 20-10-1978, which was renewed on 24-7-2009 for a period of another thirty years.
2. The allotment appears to be for the purpose of running a hospital. However, since for a couple of years, the hospital was not in operation. The Committee constituted pursuant to the order of this Court, headed by Former Judge, Justice Gilani, opined that the purpose for which the plot was allotted is frustrated and as such the action can be initiated.
3. In this background, in the present Public Interest Litigation, this Court on 17-12-2019 directed the respondent No.5-Nagpur Improvement Trust (NIT) to take appropriate steps, as a sequel of which on 3-1-2020, by observing that the lease conditions are violated, the lease was cancelled. In view of the provisions of Section 108-A of the Nagpur Improvement Trust Act, 1936, the respondent No.2 appears to have preferred an appeal before the State Government in which interim relief was granted. The said interim relief came to be vacated on 5-3-2024 and the respondent No.5- NIT has claimed that they have already taken possession of the plot in question which was allotted to the respondent No.2.
4. In response to the Court's query, the learned counsel for the respondent No.5- NIT assures that the property shall be appropriately safeguarded and they

shall ensure that no encroachment or unauthorized use shall be permitted on the said property. The said statement is accepted.

5. We further deem it appropriate to put an embargo on the respondent No.5-NIT not to allot the land in question for any purpose without prior intimation and approval of this Court.

6. The aforesaid order is passed keeping in mind the order dated 17-12-2019 and the subsequent orders passed by this Court whereby the State Government was called upon to take a stock as to whether the extended unit of Superspeciality Hospital can be established and operated or the land in question can be put to similar use in public interest.

7. As already observed above, we would like to have response from the State Government on the aforesaid issue.

8. That being so, the learned Additional Government Pleader for the respondent Nos.1, 3 and 4 seeks time to take instructions.

9. Time is granted.

10. Stand over to 24-4-2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)