



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

WRIT PETITION NO.98 OF 2018

Citizen Uplift Society, A Registered Society having its Registered Office at 50, Pioneer Nagar, Gawande Layout, Khamla, Ring Road, Nagpur-440 015, thr.its Secretary

Shri Avinash s/o Ramrao Wankhede

..VS..

Nagpur Improvement Trust, Station Road, Sadar, Nagpur, thr.Chairman and ors

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

Court's or Judge's Order

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Shri P.P.Kothari, Counsel for the Petitioner.
Shri G.A.Kunte, Counsel for R-1 & 2.
Shri A.A.Kathane, Counsel for R-3.

CORAM : URMILA JOSHI-PHALKE & NIVEDITA PMEHTA, JJ.

DATE : 06/05/2026

1. Heard.

2. By this petition, the petitioner is seeking quashing and setting aside Notice of demolition dated 14.9.2015 and order dated 28.9.2017 passed by the Superintending Engineer, Nagpur Improvement Trust (the NIT) and also letter 26.12.2017 issued by the Divisional Officer (West), NIT.

3. As per contentions of learned counsel for the petitioner, land bearing khasra Nos.3/2, 4, and 5/2 admeasuring 3.53 acres of mouja Jaitala, tahsil and district Nagpur was purchased by The Pioneer Cooperative Housing

Society from Shri Bhaurao Govindrao Mulak vide Sale Deed dated 13.10.1970. The Pioneer Cooperative Housing Society had submitted a layout plan to the NIT in the year 1995. Plot No.6 out of the said layout admeasuring 14461 square feet was allotted by The Pioneer Cooperative Housing Society to the Petitioner Society was put in possession vide agreement dated 15.7.1999 for the purpose of starting a school for the benefit of the children of that area. The Petitioner Society constructed a school building on the said plot No.6 in 1985 admeasuring 2653 square feet. The school is being run on the said by the Petitioner Society. The Pioneer Cooperative Housing Society executed Sale Deed in favour of the Petitioner Society in respect of portion of plot No.6 admeasuring 246.83 square meters which was marked as plot No.6-D.

4. The NIT published a Notice in local newspaper invited applications for regularization of the layout/constructions. The Pioneer Cooperative Housing Society again submitted layout plan in view of the said development.

5. The Petitioner Society with an intention to enhance the class rooms, submitted a revised layout plan along with the proposed building plan to the NIT for regularization under the Guntghewari Act and deposited Rs.1000/-. The NIT informed the Petitioner Society that the layout plan and the building plan are rejected vide order dated 24.5.2010.

6. In response to the said claim, the NIT filed its reply and in paragraph No.2 it is specifically mentioned that there is a discrepancy in the title of the petitioner itself wherein three different documents are produced before the planning authority in respect of unregistered agreement to sale/possession letter dated 15.7.1999 admeasuring area about 14481 square feet (1345.32 square meters), sale deed dated 27.4.2001 in respect of plot No.6-D admeasuring area about 246.83 square meters, and sale deed dated 27.12.2024 admeasuring area about 1345.32 square meters. However, as per the layout plan with the NIT, the area of plot No.6 is 579.50 square meters wide road area and open space are i.e. 463.22 square meters.

7. Respondents shall accordingly act and regularize the construction on condition that they shall make road area and open spare area and it would not claim by the petitioner in future. It is submitted that the NIT shall withdraw the said Notice.

With this, the writ petition is **disposed of**.

JUDGE

JUDGE

!! BrWankhede !!