

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

PUBLIC INTEREST LITIGATION NO. 28 OF 2021

Sandeep Badriprasad Agrawal

Vs.

Union of India, Thru. Ministry of Housing and Urban Affair, New Delhi and others

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

Court's or Judge's orders.

Ms. Radhika D. Raskar, Advocate for petitioner.

Ms. Ketki Joshi, GP for respondent/State.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATE : 27th OCTOBER, 2021.

Heard Ms. Raskar, learned counsel for the petitioner.

2. It is gathered from the submissions that the petitioner is a Social worker, who had filed Public Interest Litigation in past being PIL No.40/2011, which was disposed of by the judgment dated 15.01.2014 against the parties, who are respondents here except for respondent No.4. The petitioner is aggrieved by the decision of the Nagpur Improvement Trust, as reflected in the Communication dated 27.02.2020 addressed to the Managing Director of respondent No.4 to make respondent No.4 pay compensation of Rs.19,20,40,946/-, for loss of profit due to foreclosure of

the Amusement Park. The Amusement Park existed on the land, which was handed over to the respondent No.5 on BOT basis by the Nagpur Improvement Trust. The contention of the petitioner is that the foreclosure of the contract of development and management of the the land handed over on BOT basis by respondent No.3 to respondent No.5 was entirely in between the respondent No.3 and 5 and therefore, it ought to have been sorted out in-between them only and respondent No.4, could not have been asked to pay the compensation to respondent No.5.

3. The further grievance is that the Communication dated 27.02.2020 indicates that the decision to call upon respondent No.4 to pay compensation to respondent No.5 was made by High Level Committee and when an information was sought by the petitioner regarding the report of the High Level Committee dated 20.01.2020 as mentioned in the Communication dated 27.02.2020, the petitioner was informed that the Committee under the Chairmanship of the Divisional Commissioner did not send any report whatsoever.

4. The further grievance is that public money is being spent for a private purpose, enabling a private

operator like respondent No.5 to derive gains from out of the public money, in an illegal manner.

5. Having considered the submissions and also the documents referred to us which are part of the petition, we are of the view that the grievances which are raised in this petition, require consideration. Therefore, issue notice to the respondents, returnable after **four weeks**.

6. Ms. Ketki Joshi, learned GP waives service of notice for respondent No.2.

7. We are informed by the learned counsel for the petitioner that there is another petition challenging the decision regarding payment of compensation of Rs.19,20,40,946/- to the respondent No.5 as against the original demand of Rs.162.12 Crores, filed by the respondent No.5, which is pending with this Court.

8. That petition is Writ Petition No.2542/2020. Let this petition be tagged along with Writ Petition No.2542/2020.

JUDGE

JUDGE