

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

Writ Petition No. 5733 of 2015

(Prashant Trivedi and ors. Vs. Nagpur Municipal Corporation through its
Municipal Commissioner and ors.)

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

Court's or Judge's order

Shri K. R. Trivedi, Advocate for the petitioners
Shri Amit Kukday, Advocate for respondent nos. 1 & 2
Shri N. R. Rode, AGP for the respondent no. 3
Shri U. R. Phasate, Advocate for intervenor

**CORAM : Smt. Vasanti A. Naik and
Prasanna B. Varale, JJ.**

DATE : 8-12-2015.

Heard.

By this petition, the petitioners seek a direction restraining the respondent no. 2 from demolishing the construction of the petitioners without following the due process of law.

It is stated on behalf of the petitioners that the petitioners have filed an appeal before the State Government under Section 44 of the Maharashtra Regional Town Planning Act, 1966 (hereinafter referred to as 'the Act' for the sake of brevity) after the petitioners received the notices for demolition under Section 53 and 54 of the Act. It is stated that though the appeal of the petitioners is pending, the respondents are threatening to demolish the entire construction made by the petitioners. The petitioners therefore, seek an order restraining the Corporation from demolishing the construction till their appeal is

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decided. The petitioners also seek a direction to the State Government to decide the appeal filed by the petitioners as early as possible.

Shri Kukday, the learned counsel for the Corporation does not dispute about the pendency of the appeal under Section 44 of the Act before the State Government.

In the aforesaid circumstances, we dispose of the writ petition with a direction to the State Government to decide the appeal filed by the petitioners under Section 44 of the Act within a period of six months. We restrain the respondent – Corporation from demolishing the construction of the petitioners till their appeal is decided. No costs.

Steno copy of this order is granted.

JUDGE

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