

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

WRIT PETITION NO.3035 OF 2020

Smt. Samsunnissa Wd/o Mohd. Ismail Pathan and others

Versus

Nagpur Municipal Corporation and others

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

Mr. A.D. Sonak, Advocate for Petitioners.

Mr. G.A. Kunte, Advocate for Respondents.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 4 MARCH 2021

Heard the learned Counsel for the parties.

2. The Petitioners received a notice under Section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short, “the MRTP Act”) on 10 July 2020 for removal of the Petitioners’ structure on the ground that it was in violation of the plan and the provisions of the MRTP Act.

3. The learned Counsel for the Petitioners submits that the Petitioners, as per the provision of Section 53(3), had made an application under Section 44 of the MRTP Act and according to the learned Counsel, the moment such application is made, no action should be taken. He also submits that a hearing is

contemplated when an application under Section 53(3) read with Section 44 of the MRTP Act is to be granted and it is not being given.

4. The learned Counsel for the Respondents has placed on record the order dated 1 January 2020 rejecting the application of the Petitioners. This order is not under challenge. The contention that this order is passed without hearing the Petitioners, is without substance. However, since we are disposing of this Petition, in case the Petitioners want to challenge the order dated 1 January 2020, we do not finally conclude the issue.

5. The Writ Petition is accordingly disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Lanjewar

Prashant
Lanjewar

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