

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

WRIT PETITION NO.2733/2020

Lotus Court Condominium Society,
through its Manager, Civil Lines,
Nagpur.

– Petitioner

vs.

Municipal Commissioner,
Nagpur Municipal Corporation,
Nagpur and others.

– Respondents

Mr. Aditya Goel, Advocate for the Petitioner.

Mr. Rohan Chhabra, Advocate for Respondent Nos.1 and 2.

Mr. P.D. Khedikar, Advocate for Respondent No.3.

CORAM : NITIN JAMDAR &
ANIL L. PANSARE JJ.
DATE : 7 MARCH 2022

P.C.

Heard learned Counsel for the parties.

2. Additional affidavit is filed by the Petitioner pursuant to the earlier order placing on record details of the use of the concerned plot by the Petitioner Society.

3. The learned Counsel for the Respondent Corporation states that notice is issued to the holders of the concerned plot on 6 February 2020. The learned Counsel for the Respondent Corporation states that because of the general order passed by the special bench of this Court during the pandemic the steps could not be taken. He states that steps envisaged under Section 53(1) of the Maharashtra Regional Town and Planning Act and procedure prescribed thereunder would be undertaken.

4. The learned Counsel for the Respondent No.3 states that all noticees are not joined as the Respondents and there is an inter se dispute between them.

5. In the light of statements made by the learned Counsel for the Respondent Municipal Corporation that steps would be taken as per law as is done in cases where Corporation is of the opinion that there are unauthorised constructions, we dispose of this writ petition. We refrain from going into the merits of the notice issued, the inter se dispute between the noticees and their defences as may be available to them.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]