

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

WRIT PETITION NO.1811 OF 2021

Chandrama Prasad Shah (Sahu), Surya Nagar, Nagpur

-vs-

Nagpur Municipal Corporation, Thr. Its Commissioner, Nagpur, Civil Lines, Nagpur and ors.

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

Court's or Judge's Orders.

Shri P. P. Kothari, Advocate for petitioner.

Shri G. A. Kunte, Advocate for respondent Nos.1, 2 and 5.

Shri Kushal Jain, Advocate h/f Shri Vikrant S. Giramkar, Advocate for
respondent Nos.3 and 4.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : September 21, 2022

The petitioner is owner of plot No.20 located at Surya Nagar, Nagpur. The respondent Nos.3 and 4 are owners of adjoining plot No.21 and have initiated construction on their plot. Since it was the grievance of the petitioner that such construction was in breach of the Development Control Regulations, 2000, a complaint was made with the Nagpur Municipal Corporation seeking action to be taken against alleged illegal construction. Since the Planning Authority was the Nagpur Improvement Trust, the grievance was also made to it. There being no action, the petitioner has filed this writ petition.

Notice was issued in the writ petition and it is informed by the learned counsel for the respondent No.5 that on 14/07/2021 notice under Section 53 of the Maharashtra Regional and Town Planning Act, 1966 had been issued to the respondent Nos.3 and 4. On behalf of respondent Nos.3 and 4 it is submitted that said notice has been challenged before the State Government by invoking appropriate remedy.

In the light of these facts, the writ petition is disposed of by directing the respondent No.5 to take the notice dated 14/07/2021 to its logical end if there is no legal impediment in accordance with law. All questions on merit are kept open.

No costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita