

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

...

**WRIT PETITION NO. 3128 OF 2010**

Subhas Ganpatrao Buty

**..Petitioner**

**versus**

Nagpur Municipal Corporation and one.

**..Respondents**

Mr. A.G. Moharir, Adv.h/for Mr. B.G. Kulkarni, Advocate for the  
Petitioner

Mr. S.M.Puranik, Advocate for Respondent Nos.1 and 2

Ms.Aditi Panpalia, Advocate h/for Mr. Joshi for Respondent Nos.3  
and 4

...

**CORAM: NITIN JAMDAR &  
ANIL L. PANSARE JJ.**

**DATE : 02 MAY 2022**

**P.C. :**

Heard learned Counsel for the parties.

2. The issue raised in this petition is in respect of  
construction of underground drainage line by the Respondent  
Municipal-Corporation.

3. The Petitioner has filed this petition challenging the order dated 19 June 2010 issued by the Respondent No. 2-Officer of the Respondent-Nagpur Municipal Corporation rejecting the objection raised by the Petitioner for laying drainage line from the land claimed to be owned by the Petitioner. The impugned order refers to the letter given by the Petitioner dated 7 June 2010 and states that it was as per the orders passed by this Court that construction of drainage line was being done and that the Respondent-Corporation has come to the conclusion that proposed line is the only feasible option and it is open to the Petitioner to connect the drainage of Petitioner's property to the proposed pipeline.

4. This Petition is filed in the year 2010. When it came up for consideration on 3 September 2012, Rule was issued and the communication dated 19 June 2010 was stayed during the pendency of the writ petition. It was stated that the Corporation would be free to implement the order dated 18 February 2009 by any other means.

5. The petition has now come up for hearing after ten years. The impugned order was passed 12 years ago. As regards the proposed construction in the manner suggested under the impugned order, the same has been stayed by the interim order. Various changes must have occurred in last decade and it is not practicable to

give effect to position which existed prior to 12 years ago. The appropriate course of action would be that the Respondent-Corporation would take review of the current situation and then decide whether to implement the impugned order. Further, since in this petition replies have been filed by Respondent Nos. 3 and 4 and counter reply by the petitioner, it would be appropriate that before proceeding further, after taking into consideration the current situation the concerned officer of the Municipal Corporation will give an opportunity to both the petitioner and Respondent Nos. 3 and 4 to put forth their say.

6. Accordingly, writ petition is disposed of by quashing and setting aside the order dated 19 June 2010, leaving it open to the Respondent-Municipal Corporation to take necessary steps as may be warranted in the fact and situation prevailing as on today, after giving opportunity to Petitioner and Respondent Nos. 3 and 4.

7. The writ petition is accordingly disposed of. Rule made absolute in the above terms. No costs.

[ANIL L. PANSARE,J.]

[NITIN JAMDAR,J.]

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