

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

WRIT PETITION NO. 4776 OF 2021

Nisha Nareshrao Khadse & anr. Vs. Manoj Dharmaji Mohod and ors.

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

Court's or Judge's Order

Shri Santosh D.Chande, Advocate for petitioners.
Shri S.G.Karmarkar, Advocate for respondent no.1.
Ms Mayuri Deshmukh, Assistant Government Pleader for respondent nos. 2 and 4.

CORAM :- A.S.CHANDURKAR AND SMT. M.S.JAWALKAR, JJ.
DATE :- MARCH 09, 2022.

By this writ petition, it is prayed that the respondent nos. 2 to 4 be directed to decide the representations made by the petitioners for demolishing the illegal construction of the respondent no.1.

It is seen that the representations made by the petitioners are 10.03.2021, 14.05.2021 and 02.09.2021. On 20.08.2021 the Nagpur Municipal Corporation through its Assistant Commissioner has issued notice under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 (for short, the said Act) to the respondent no.1 to remove the alleged illegal construction. The said respondent no.1 has thereafter filed Regular Civil Suit No.1055/2021 in the trial Court seeking a declaration that the notice issued by the Nagpur Municipal Corporation is illegal. The petitioners herein are the defendant nos. 2 and 3 in said suit.

Considering these developments and as the notice under Section 53(1) of the said Act has already been issued to the respondent no.1., the petitioners are free to pursue the matter in accordance with law and also by participating in the said civil suit filed by the respondent no.1. The points raised in writ petition are kept open.

For the aforesaid reasons, the writ petition is disposed of. No costs.