



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

WRIT PETITION NO.3059 OF 2022

Prabhat Construction (J.V.), Thr. Partner, Gaurav P. Gupta, Sahakar Nagar, Bhandara

-vs-

The State of Maharashtra Thr. Secretary, Dept. of Rural Development and Water Conservation,
Mantralaya, Mumbai 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 Dhruv A. Sharma, Advocate with Shri S. S. Sarda, Advocate for petitioner.

Shri A. A. Madiwale, Assistant Government Pleader for respondent No.1.

Shri P. S. Chawhan, Advocate for respondent No.3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : December 20, 2023

1. Based on a representation preferred by respondent No.3-local MLA, the Honourable Chief Minister has stayed the construction of a commercial complex undertaken by respondent No.2-Zilla Parishad, Bhandara.
2. We have perused the impugned order passed by the Honourable Chief Minister. The order is sans reasons. Apart from above, there is no reply on record filed by respondent No.1-State to justify passing of the impugned order.
3. There is an interim order dated 08/06/2023 in operation in favour of the petitioner.
4. Apart from above, a similar issue fell for consideration before this Court in Public Interest Litigation No.23/2021 and this Court in the said public interest litigation has permitted the construction to go on. The said public interest litigation is disposed of on 20/06/2022.
5. In view of above, we do not see any reason to keep the present writ petition pending particularly when we have observed that the order impugned passed by the Honourable Chief Minister sans reasons.
6. That being so, the writ petition is allowed. The impugned order passed by the Honourable Chief Minister which is Annexure-16 to the writ petition is hereby quashed and set aside.
7. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)