



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

WRIT PETITION NO. 3889 OF 2023

1) Mr. Ajay Anantrao Chitre,
Aged 63 years,
R/o 5, Mukund, Atre Layout,
Rana Pratap Nagar, Nagpur – 440022.

2) Mr. Milind Anantrao Chitre,
Aged 64 years,
R/o 5, Mukund, Atre Layout,
Rana Pratap Nagar, Nagpur – 440022.

Both the Petitioners through their Power
of Attorney Holder Mr. Milind Nilkanth
Shirpurkar, Aged 58 years, Occupation–
Business, Resident of 217, “Mauli”,
Shankar Nagar, Nagpur – 440010 and
a Partner in M/s. Orange City Developers,
A Partnership Firm.

.... **PETITIONERS**

VERSUS

1) State of Maharashtra,
through its Secretary, Urban Development
Department, Mantralaya, Mumbai – 32.

2) Nagpur Improvement Trust,
through its Chairman, Station Road,
Sadar, Nagpur-440001.

3) The Building Engineer (West),
(Building Section), Nagpur Improvement
Trust, Station Road, Sadar, Nagpur – 01.

.... **RESPONDENTS**

Mr. B.G. Kulkarni, Counsel for the petitioners,
Mrs. S.S Jachak, A.G.P. for respondent No.1,

Mr. G.A. Kunte, Counsel for respondent Nos.2 and 3.

CORAM : A.S. CHANDURKAR AND
MRS. VRUSHALI V. JOSHI, JJ.
DATED : 27th SEPTEMBER, 2023

ORAL JUDGMENT : (PER : A.S. CHANDURKAR, J.)

Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Counsel for the parties.

2. The challenge raised is to the order dated 25-11-2021 issued by the Building Engineer (West) of the Nagpur Improvement Trust thereby rejecting the building plan of the petitioners seeking development work in the context of Plot No.39 admeasuring about 283.233 square meters of Mouza-Sonegaon

3. After hearing the learned Counsel for the parties, we find that similar issue has been considered by this Court in Writ Petition No.8285/2022 (Kartiki d/o Jagdish Pawar and another vs. Nagpur Improvement Trust and another) decided on 14-2-2022. We find that the rejection of the building permit on similar ground was set aside in the light of discussion in paragraph Nos. 8 and 9 of the said judgment. The plot in question is already regularized by the Development Authority and we find that the petitioners would be entitled to the

benefit of aforesaid decision.

4. Accordingly for reasons recorded in the decision *Kartiki Jagdish Pawar* (supra), the order dated 25-11-2021 passed by the Building Engineer (West), Nagpur Improvement Trust is set aside. Respondent No.2 shall reconsider the said proposal and take a decision subject to all necessary considerations. The said decision shall be taken within a period of eight weeks of receiving copy of the judgment.

5. Rule is made absolute in aforesaid terms. No costs.

(Mrs. Vrushali V. Joshi, J.)

(A.S. Chandurkar, J.)

adgokar