



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

WRIT PETITION NO. 3989 OF 2023

- 1) Kunda w/o Dhruv Puttewar,
Aged 62 years, Occupation – Housewife,
R/o Flat No. G-11, Rachana Tarangan
Apartment, Hingna Road, Hingna T-Point,
Nagpur – 440016.
 - 2) Aaryan Developers,
A Partnership Firm having its office
at Near Rajwada Palace, Ganjipeth,
Ganesh Chowk, Nagpur – 440018,
through its Partnership
 - 2a) Vishal s/o Anilrao Wadibhasme,
Aged 39 years, Occ. - Business,
R/o Near Rajwada Palace, Ganjipeth,
Ganesh Chowk, Nagpur – 440018.
 - 2b) Rajeevkumar s/o Ramkishor Lilhare,
Aged 42 years, Occupation – Business,
R/o Plot No. 11, Manewada Road,
Shiv Shakti No.1, Hudkeshwar,
Nagpur – 440034.
 - 2c) Manish s/o Purushottam Bomidwar,
Aged 49 years, Occ. - Business,
R/o Plot No. 698, Near Subhedar
Layout, Ayodhya Nagar, Nagpur-440024. **PETITIONERS**
- eVERSUS**
- 1) Nagpur Improvement Trust,
through its Chairman,
Office at Station Road, Sadar, Nagpur.
 - 2) Building Engineer (West),
Nagpur Improvement Trust,
Office at Station Road, Sadar, Nagpur. **RESPONDENTS**

Mr. P.R. Agrawal with Mr. S.R. Jaiswal, Counsel for the petitioners,
Mr. G.A. Kunte, Counsel for respondent Nos.1 and 2.

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 07-4-2022 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. 17 admeasuring about 2785.185 square feet of Mouza-Somalwada.

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 07-4-2022 passed by the Building Engineer (West), Nagpur Improvement Trust is set aside. The respondents 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.)

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