



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

WRIT PETITION NO. 4454 OF 2023

Vilas Ramchandra Dupalliwar,
through his Power of Attorney
Shyam Ramesh Bhoyar,
Aged about 42 years, Occ.- Business,
R/o Plot No.169, Sewadal Nagar,
Nagar, Besa Road, Manewada,
Nagpur-440027.

.... **PETITIONER**

VERSUS

- 1) State of Maharashtra,
through Secretary, Urban
Development, Mantralaya,
Mumbai-32.
- 2) The Nagpur Improvement Trust,
through its Chairman,
Station Road, Sadar, Nagpur.

.... **RESPONDENTS**

Mr. P.S. Chawhan, Counsel for the petitioner,
Mr. H.D. Marathe, AGP for respondent No.1/State,
Mr. G.A. Kunte, Counsel for respondent No.2.

CORAM : A.S. CHANDURKAR
& ABHAY J. MANTRI, JJ.
DATED : 2nd NOVEMBER, 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 07-10-2021 issued by the Building Engineer (West) of the Nagpur Improvement Trust thereby rejecting the building plan of the petitioner seeking development work in the context of Plot No.68 admeasuring about 2062 square feet, Khasra No.22/1 Kha, Prasad Gruh Nirman Sahakari Sanstha Limited 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 petitioner would be entitled to the benefit of aforesaid decision.

4. Accordingly for reasons recorded in the decision in *Kartiki Jagdish Pawar* (supra), the order dated 07-10-2021 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.

(ABHAY J. MANTRI, J.)

(A.S. CHANDURKAR, J.)

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