



17-9-WP-5922-23

1/3

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

WRIT PETITION NO.5922 OF 2023

M/s Nani's Buildcon Pvt. Ltd.
Through its Director
Mr Yashwant s/o Ajabrao Khodke,
Aged : 58 years, Occ. Business
r/o Plot No.7, Vikas Nagar,
Behind Sai Mandir, Vivekanand Nagar,
Nagpur 440015

... Petitioner

-vs-

1. Nagpur Improvement Trust,
through its Chairman having office
at : Station Road, Sadar, Nagpur 01

2. Building Engineer (West)
Nagpur Improvement Trust,
Nagpur

... Respondents

Shri V. S. Giramkar, Advocate for petitioner.
Shri G. A. Kunte, Advocate for respondents.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, J.

DATE : September 07, 2023

Oral Judgment : (Per : A. S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Shri G. A. Kunte, learned counsel waives notice for the respondents.

2. Challenge raised in the present writ petition is to the communication dated 23/08/2023 by which the respondent No.2 has refused to grant permission for development of plot No.142 situated at Khasra No.9/2, Mouza Sonegaon in view of the interim orders passed

in Public Interest Litigation No.40/2023 (*Court on its own motion vs. State of Maharashtra and ors.*) holding that it would not be permissible to grant sanction for development.

3. The learned counsel for the parties submit that an identical issue was considered in Writ Petition No.8285/2022 (*Kartiki d/o Jagdish Pawar and anr. vs. Nagpur Improvement Trust and anr*) and by judgment dated 14/02/2023 a similar communication was set aside with a direction to consider and grant sanction in favour of the said petitioners.

4. It is seen that regularisation letter for plot No.142 came to be granted on 13/07/2009. The interim order passed in the Public Interest Litigation No.40/2013 referred in the impugned communication has been clarified by the subsequent orders dated 06/02/2019 and 10/07/2019.

5. In view of aforesaid, for the reasons contained in the judgment of this Court in Writ Petition No.8285/2022 (*supra*) the following order is passed :

- (i) The impugned communication dated 23/08/2023 is set aside since the interim order in Public Interest Litigation No.40/2013 is

not applicable to the plot in question.

- (ii) The respondents shall consider the petitioners' application for building permission dated 26/07/2023 and if there is no legal impediment grant necessary permission in accordance with law. The petitioner shall place all relevant documents before the respondents. Necessary exercise shall be done within a period of eight weeks of receipt of copy of this judgment.

6. The Writ Petition is allowed and disposed of in aforesaid terms. Rule accordingly. No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)