



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7890 OF 2020
WITH CIVIL APPLICATION NO. 5273 OF 2021
WITH CIVIL APPLICATION NO. 8573 OF 2020
WITH WRIT PETITION NO. 6367 OF 2020
WITH CIVIL APPLICATION NO. 7629 OF 2020

AMOL SANTAJI KARPE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Prathmesh B. Bhangade, Advocate h/f Mr. S. V. Gundre,
Advocate for respective petitioners
Mr. P. K. Lakhotiya, AGP for respondent/State
Mr. V. S. Bedre, Advocate for respondent No.3 in Writ Petition No.
7890 of 2020 and respondent Nos. 3 and 4 in Writ Petition No.
6367 of 2020

CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.

DATE : 27th FEBRUARY, 2024

PER COURT :-

1. We have heard the learned Advocate for the respective sides. We have referred to the earlier order passed by this Court dated 10th March, 2023.

2. The learned Advocate representing the Petitioners in Writ Petition No. 7890 of 2020, submits that they are Medical

Practitioners operating the Nursing Home which is subject matter of the Writ Petition. The Revised Plan has been sanctioned and since the Corporation desires that a portion of the structure on the fourth floor is beyond the sanctioned Revised Plan, it would be demolished and it would be ensured by these petitioners that the building would be precisely in tune with the sanctioned Revised Plan.

3. The learned Advocate for the Sangamner Municipal Council submits on instructions from the Chief Officer present in the Court that, after the minor changes to demolish it is carried out by the Proprietors of the Nursing Home, the Municipal Council would inspect the premises and once it is verified that the structure is squarely within the contours of the sanctioned revised plan, the occupancy certificate would be issued to the Petitioners.

4. The learned Advocate appearing on behalf of the Complainants/Petitioners in Writ Petition No. 6367 of 2020, submits that the Municipal Council be directed to ensure that no further liberty is granted to the Nursing Home and the construction beyond the permissible limits of the sanctioned revised plan would not be allowed.

5. In view of the above, **both these Writ Petitions are disposed off** by recording the above statements. Let the Proprietors of the Nursing Home ensure that the building is brought within the contours of the sanctioned revised plan by 15th March, 2024. Thereafter, on intimation from the Petitioner, the Municipal Council would visit the premises and inspect it and once it is convinced that the building is in accordance with the sanctioned revised plan, they would prepare a report and issue the occupancy certificate within a period of 15 days thereafter.

6. After the above formalities are completed, the Nursing Home is at liberty to seek the necessary permission from the District Civil Surgeon, Ahmednagar and once such certificate is issued, the petitioner would be at liberty to admit patients in the said Nursing Home.

7. **All the pending Civil Applications stand disposed off.**

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp