

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14450 OF 2024

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by SATISH
RAMCHANDRA
SANGAR
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Shreemangal Enterprises

(A Proprietorship) Through:-

Tarachand Devishay Gupta,

Age : 68 Years, Occupation : Business,

Resident of : Jaipur House, 24,

Parjat Nagar, Taluka and District : Nashik

...Petitioner

(Original Plaintiff)

Versus

1. **Pramod Eknath Wankhedkar**

Age : 63 Years, Occupation : Retired,

Resident of : Saraswati Nagar, Near Bali

Temple, Plot No.44, Survey No.242/2/1/3,

Samprawa, Nashik, Maharashtra : 422 003.

2. **Rajan Shantilal Lodha**

Age : 55 Years, Occupation : Retired,

Resident of : Plot No.4 and 5, Survey No.252/1,

Saraswati Mandir Road and Bali Mandir

Premises, Nashik.

3. **Mahendra Keshav Patil**

Age : 41 Years, Occupation : Business,

Resident of : Plot No.2, Survey No.52/2/3,

Saraswati Mandir Road and Bali Mandir

Premises, Nashik, Maharashtra : 422 003;

At present:-

Plot No.2, Keshavanand Bungalow,

Shanti Nagar, Hirawadi, Panchavati,

Siddhivanayak Temple, Nashik.

4. **Chandrashekhar Kalu Patil**

Age : 48 Years, Occupation : Business,

Resident of : Om Bungalow, Plot No.10,

Saraswati Mandir Road and Bali Mandir
Complex, Panchavati, Nashik.

5. **Sachin Premchand Kothari**

Age : 42 Years, Occupation : Business,
Resident of : Kothari Plaza, Plot No.1,
Mumbai-Agra Highway, Near Bali Temple,
Saraswati Temple Road, Nashik, Panchavati,
Maharashtra : 422 003.

6. **Kailas Shankarrao Holkar**

Age : 56 Years, Occupation : Service,
Resident of : Srihari, Plot No.12,
Saraswati Mandir Road, Behind Kothari
Plaza, Hanuman Nagar, Panchavati,
Nashik – 2.

7. **The Commissioner**

Nashik Municipal Corporation,
Nashik.

8. **The Executive Engineer**

Town Planning Department,
Nashik Municipal Corporation,
Sharanpur Road, Taluka and District :
Nashik.

...Respondents
(Original Defendants)

Mr.Shrishailya S. Deshmukh i/b. Mr.Nimish S. Parakh:-	Advocate for Petitioner.
Mr.Anup Lahoti:-	Advocate for Respondent Nos.1 to 6.

CORAM : S. M. MODAK, J.

DATE : 25th OCTOBER 2024

P. C. :-

1. For the reasons recorded separately, which are under typing, following order is passed:-

ORDER

- (i) The Defendant No.1–Nashik Municipal Corporation through the Commissioner is directed to decide the objections taken by the residents on 18th November 2009 (Defendants in stop work notice) as early as possible not later than three (3) months.
- (ii) The Commissioner may decide it on his own or through his nominee.
- (iii) The Officer to go through the documents and to hear the Plaintiff as well as the Defendant Nos.3 to 8 and to take an appropriate decision.
- (iv) These directions are given on the undertaking that the Suit will be withdrawn within a period of two (2) weeks from today.
- (v) The undertaking given that the Plaintiff will not carry out further construction on the basis of building permission dated 16th April 2007 and further permission dated 31st March 2022 is accepted as an undertaking given to the Court.
- (vi) The Petitioner is granted a liberty to challenge the decision taken before the appropriate forum if it goes against him.
- (vii) The decision be taken within three (3) months from the date of producing an authenticated copy of this order by the Petitioner to the Commissioner.

(viii) It is made clear that the Officer will decide the objection independently and this Court has not passed any observations on merit.

2. In view of the above, **Writ Petition stands disposed of.**

[S. M. MODAK, J.]