



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

WRIT PETITION NO.7716 OF 2022

Pramod S/o Manohar Gadge, Samruddhi Sankul, Civil Lines, Nagpur

-VS-

The Chief Officer, Municipal Council, Kalmeshwar, Brahmni, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri J. M. Gandhi, Advocate for petitioner.
Shri A. M. Ghare, Advocate for respondent No.1.
Sjro R. N. Rawlani, Advocate for respondent No.3.
Shri N. S. Rao, Assistant Government Pleader for respondent No.4.
Shri Kaustubh J. Tople, Advocate for respondent Nos.8 to 11.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : July 16, 2024

1. Heard.
2. The prayer is for issuance of directions to the respondent-Local Planning Authority for removal of encroachment and demolition of construction illegally carried out by the respondents.
3. It is brought to our notice that the respondent-Municipal Council has issued notices to the said respondents who have carried out unauthorised construction.
4. In addition, it is brought to our notice that in Form Appendix-6 under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 notices are already issued.
5. During the course of hearing the officer of respondent-Municipal Council Shri Akash Prasanna Suradkar has placed on record the affidavit. In paragraph 7 of the said affidavit it is assured that action under Section 189 of the Municipal Councils, Nagar Panchayat and Industrial Townships Act, 1965 shall also be initiated against the respondents who have carried out illegal construction.
6. In view of aforesaid statement made in the affidavit which is accepted, the cause titled in the petition no more survives. The

petition accordingly stands disposed of.

7. It is expected that the respondent-Municipal Council Shall take action, pursuant to the municipal notices issued to the encroachers/respondents who have carried out unauthorised construction in accordance with law.

8. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)