



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (W) NO. 695/2024
IN
WRIT PETITION NO. 966/2023

Vivek Charte & others

...VERSUS...

The Commissioner, NMRDA, Nagpur & others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Ms. A.A. Joshi, Advocate for the Petitioner(s)
Shri P.S. Tiwari, Advocate for the Respondent No. 2
Shri P.P. Kothari, Advocate for the Respondent Nos. 3 & 4

CORAM :- ANIL S. KILOR & SMT. M.S. JAWALKAR, JJ.
MARCH 14, 2024

. The present Application is filed for grant of permission to amend the Writ Petition.

(2) It is stated in the Application that at the time of institution of this Petition, construction was just initiated on the Suit site and at the time of admission hearing, *prima-facie* cognizance was not taken and for want of prohibitory orders in the instant Writ Petition, the Respondent No. 3 kept on constructing the building on the site. Resultantly, now there is building of four floors standing and not only this, in spite of the statement made by the

Counsel that there is no fresh construction going on the Suit site, the Respondent No. 3 is continuously making the construction.

(3) In view thereof, the amendment to the main Petition is sought for. Though the Application is opposed by the learned Counsel for the Respondents, in view of the fact that the amendment is relevant if the Prayer Clause in the Petition is perused, we are inclined to allow the present Application.

(4) As such, the Application is **allowed**. Permission is granted to amend the Writ Petition as prayed for in the present Application. Necessary amendment to be carried out within a period of one week from today.

(5) Copies of the amended Petition be supplied to the learned Counsel for the Respondents.

(6) The Respondents are at liberty to file their say in respect of the amended Petition within a period of two weeks thereafter.

(7) The Application stands **disposed of**.

(SMT. M.S. JAWALKAR, J.)

(ANIL S. KILOR, J.)