



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

206 WRIT PETITION NO. 14758 OF 2025

GULAB SHRIMANTRAO PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Vishal P. Bakal Advocate for Petitioners.
Mr. S.B. Pulkundwar, A.G.P. for Resp. Nos. 1 and 2.
Mr. Anand P. Bhandari Advocate for Resp. Nos.3 and 4.
...

CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 8th DECEMBER, 2025

ORDER :

1. Heard learned Advocate for the petitioners.
2. Issue notice to the respondents. Learned AGP waives notice for respondent Nos.1 and 2. Learned Advocate Mr. Bhandari waives notice for respondent Nos.3 and 4.
3. The petitioners are contending that they are the owners of the respective properties as mentioned in the Petition and according to them, they had sought permission from the erstwhile Village Panchayat for the construction. However, the

area of the petitioners was merged into Municipal Corporation, Chhatrapati Sambhajanagar in the year 2016. Now, notice dated 28.11.2025, which the petitioners say that it was received to them at 6.00 p.m. on 29.11.2025, has been issued under Section 260 of the Maharashtra Municipal Corporations Act, 1949 (for short "MMC Act"). It is then prayed that said notices be quashed and it should be declared that the proposed action of demolition of the dwelling houses and properties is arbitrary.

4. We have gone through the notice that was given under Section 260 of the MMC Act and now, it is stated by learned Advocate for the petitioners that reply has been given by them to the said notice on 04.12.2025.

5. Taking into consideration the Judgment of the Hon'ble Supreme Court in the case of ***Municipal Corporation of Greater Bombay and others vs. Sunbeam High Tech Developers Pvt. Limited, reported in (2019) 20 SCC 781***, we are not going into the details and once it is admitted that notice under Section 260 of the MMC Act has been given, then, unless it is decided, the Municipal Corporation cannot proceed. It appears that petitioners have given reply to the said notice on 04.12.2025. There is also acknowledgement on behalf of the Corporation on the same.

6. In view of this situation, learned Advocate Mr. Bhandari appearing for respondent-Corporation, upon instructions from Mr. Bharat Baburao Birhare, Assistant Commissioner, Municipal Corporation, Chhatrapati Sambhajnagar, who is present in the Court, submits that if petitioners remain present in the office of Assistant Commissioner, Chhatrapati Sambhajnagar on 12.12.2025 at 11.00 a.m., then, after hearing the petitioners, the decision would be taken and after communicating it to the petitioners in writing within (2) two days, further action would be taken. Said statement is taken as an undertaking to this Court.

7. We dispose of the Writ Petition by giving directions to respondent Nos.3 and 4 to decide the notice under Section 260 of the MMC Act as per undertaking and we further direct that 'no further action be taken for a period of one week' after the information about the decision is given to the petitioners, if the decision goes against the petitioners.

8. Pending Civil Applications, if any, also stand disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE