



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

WRIT PETITION NO. 1477 OF 2019

Shreedhar Janbaji Bagade (Deceased) thr. Lrs.
.Vs.

State of Maharashtra, thr. Secretary Urban Development Ministry, Mumbai and ors.

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

Mr. S.M. Pande, Advocate for the petitioner.
Mr. S.S. Hulke, AGP for respondent No.1/State.
Mrs. S.S. Jachak, Advocate for respondent No. 2.

CORAM : NITIN W. SAMBRE AND
MRS. VRUSHALI V. JOSHI, JJ.
DATE : 26.03.2025

1. In response to the Court's query, Mr. S.M. Pande, learned counsel appearing for the petitioner submits that the petitioner has already approached the respondent No.2-Municipal Corporation and its Town Planning Department seeking sanction to the structure. He further submits that he shall try to establish the said issue with the respondent No.2-Municipal Corporation in terms of the order dated 19.11.2024 and seek the benefit of Section 44 of the Maharashtra Regional Town Planning Act, 1966 (for short, 'M.R.T.P. Act'). As such it is for the respondent No.2-Municipal Corporation to deal with the claim of the

petitioner.

2. That being so, we dispose of the petition by directing respondent No.2- Municipal Corporation to deal with the claim of the petitioner for retention moved under Section 44 of the M.R.T.P. Act in terms of the alleged request made by the petitioner on 28th October, 2024, as expeditiously as possible.

3. If so required, the respondent-authorities may call for the additional documents, if any, from the petitioner, for which the petitioner shall appear before the Deputy Director Town Planning, Nagpur Municipal Corporation on 04.04.2025.

4. The decision be communicated to the petitioner within a period of twelve weeks from today.

5. Writ Petition stands disposed of accordingly.
No costs.

(MRS. VRUSHALI V. JOSHI, J)

(NITIN W. SAMBRE, J.)