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

**WRIT PETITION NO.3077 OF 2024**

TARANGAN INFRAVENTURES PVT. LTD. THROUGH ITS DIRECTOR SHRI ANIL  
NAIR, NAGPUR  
VS.  
AIRPORT AUTHORITY OF INDIA AND OTHERS

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

Court's or Judge's orders

Mr. S.K. Mishra, Sr. Advocate a/b Mr. P.P. Kothari, Advocate for the petitioner/s  
Mr. Deoul Pathak, Advocate for the respondent Nos. 1 and 2  
Mr. R. M. Bhangle, Advocate for the respondent No.3  
Mr. G.A. Kunte, Advocate for the respondent No.4  
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**CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.**

**DATE : 15.12.2025**

1. Heard.

2. In this writ petition, a challenge is raised to the notices issued by the respondent No.3-Mihan India Ltd. dated 09.05.2023 and 11.08.2023, which are at Page 164 and 178 respectively, informing the petitioner that specific terms and conditions of the No Objection Certificate (NoC) as regards the height restriction have not been followed while making construction on the lands in question.

3. Shir Mishra, learned Senior Advocate for the petitioner strenuously argues that such notices are contrary to *the Aircraft (Demolition of Obstructions Caused by Buildings and Trees etc.) Rules, 1994* (In short "the Rules of 1994"), as no procedure as prescribed under the Rules of

1994 has been followed. It is submitted that once the plan is sanctioned, it is sanctioned forever.

4. It is submitted that the NoC permits the petitioner to make construction up to 53.26 sq. meters height. The construction made by the petitioner is much less than the permitted height. Thus, there is no violation of any of the provisions of the NoC as alleged in the impugned notices.

5. On the other hand, the learned counsel for the respondent No.3-Mihan India Ltd. argues that these notices are not for demolition of construction, as considered and treated by the petitioner but only to intimate that the matter would be referred to the Director General of Civil Aviation (DGCA) for further initiation of action under the Rules of 1994, if such construction is not removed by the petitioner.

6. It is argued that once the matter is referred to the DGCA, the procedure as prescribed under the Rules of 1994 will be followed for initiation of action. He submits that as such the present petition is premature.

7. The learned Senior Advocate for the petitioner further argues that since there is no final adjudication by the DGCA, as regards whether there is any violation of height restrictions, the restrictions imposed by the respondent No.4-Municipal Corporation to occupy 11<sup>th</sup> floor, are illegal and without any authority.

8. The learned counsel for the Municipal Corporation submits that since as per the NoC, Occupancy Certificate is depend upon the verification of height restrictions, such restrictions as imposed by the Municipal Corporation are just and proper.

9. The learned Senior Advocate for the petitioner tried to canvass that even in such situation, the petitioner cannot be restrained from occupying the 11<sup>th</sup> floor of the building, particularly when there is a sanction.

10. After hearing both the parties, we find substance in the submission of the learned counsel for the Mihan India Ltd. that, the petition is premature for the reason that notices issued by the Mihan India Ltd. impugned in the present petition are not the notices of demolition, but only an intimation, indicating that the petitioner has violated the prescribed height restrictions.

11. It is submitted that further process which has to be followed in case of any such violation, will be followed as per Rules of 1994 by the DGCA.

12. Admittedly, the matter is not referred by the Mihan India Ltd. to DGCA. In the circumstances, as far as challenge to the notices dated 09.05.2023 and 11.08.2023, issued by the Mihan India Ltd., are premature and cannot be tested on merit at this stage.

13. As far as the second grievance of the petitioner,

namely that the Municipal Corporation is not permitting occupancy certificate of 11<sup>th</sup> floor of the building in question, we are of the opinion that the ends of justice would be sub-served, if the petitioner is permitted to appear before the Commissioner, Municipal Corporation, Nagpur, in this regard, who can consider the submissions of the petitioner and take a decision within stipulated period.

14. Accordingly, we **dispose of** the present petition in light of above referred observations.

15. We permit the petitioner to appear before the respondent No.4-Commissioner, Municipal Corporation, Nagpur on 19.12.2025 at 11.00 a.m.

16. The Commissioner, Municipal Corporation, Nagpur, may hear the matter himself or refer to any other competent authority, who can decide the issue as regards the occupancy certificate of 11<sup>th</sup> floor of the building in question. The decision shall be taken within 12 weeks from the date of the appearance of the petitioner.

17. All the points are kept open.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)