



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

WRIT PETITION NO. 6427 OF 2025

PETITIONER : Manoj S/o. Dharmaji Mohod, Aged
about 63 Years, Occ. : Retired, R/o.
NMC House No.878, Ward No.18,
Chitnavispura, Sakkardara Road,
Nagpur.

//VERSUS//

RESPONDENTS : 1. The State of Maharashtra, through
Ministry of Urban Development,
Mantralaya, Mumbai – 400032.

2. The City of Nagpur Municipal
Corporation, through its Municipal
Commissioner, Ravindranath Tagore
Marg, Civil Lines, NMC, Nagpur.

3. The Assistant Director, Town Planning,
Ravindranath Tagore Marg, Civil Lines,
NMC, Nagpur.

4. The Assistant Commissioner, Zone
No.6, Gandhibagh, Mahal, NMC,
Nagpur.

5. The Deputy Engineer, Zone No.6,
Gandhibagh, Mahal, NMC, Nagpur.

Mr. S.G. Karmarkar, Advocate for the Petitioner.
Mr. A.M. Kadukar, AGP for Respondent No.1/State.

CORAM : SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.

DATED : 16th OCTOBER, 2025.

ORAL JUDGMENT :- (PER : RAJ D. WAKODE, J.)

Heard Mr. Karmarkar, learned counsel for the petitioner.

2. By way of the present petition, the petitioner seeks a direction to respondent No.1 to decide the appeal preferred by him on 28/03/2022. The petitioner also seeks an interim stay to the effect and operation of the impugned notice dated 30/09/2025, issued by respondent No.4.

3. In view of the above, issue notice to respondent No.1, returnable forthwith.

4. Mr. Kadukar, learned Assistant Government Pleader, waives notice on behalf of respondent No.1.

5. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

6. Mr. Karmarkar, learned counsel appearing for the petitioner, has drawn our attention to the appeal preferred by the petitioner on 28/03/2022 before respondent No.1. The petitioner was issued a notice dated 12/06/2020 by respondent No.3 regarding the unauthorized construction of his residential house. It is contended that the petitioner had submitted a revised building plan to respondent No.3; however, respondent No.3 refused to accept the aforesaid plan. Being aggrieved by the aforesaid refusal, the petitioner approached the Competent Authority, i.e., respondent No.1, by preferring an appeal under Section 47(1) of the Maharashtra Regional and Town Planning Act, 1966, on 28/03/2022. It is submitted that even after a lapse of almost 3½ years, the aforesaid appeal has not been decided and is still pending. However, during the pendency of

the aforesaid appeal, respondent No.4, on 30/09/2025, issued the impugned notice directing the petitioner to demolish the alleged unauthorized construction. Being aggrieved by the said notice, the petitioner has approached this Court by way of the present writ petition.

7. Mr. Karmarkar, learned counsel appearing for the petitioner, pointed out to us in the impugned notice dated 30/09/2025, which is at record page No.23 (Annexure-B), that respondent No.4, who is duly served with notice of the aforesaid appeal, has appeared before respondent No.1, and has also filed his reply on 08/07/2023. However, despite being aware of the pendency of the aforesaid appeal and the fact that it has not yet been decided by respondent No.1, respondent No.4 proceeded to issue the impugned notice dated 30/09/2025.

8. In view of the above, we sought a response from the learned Assistant Government Pleader appearing for respondent No.1. Mr. Kadukar, learned Assistant Government Pleader, submitted that if the appeal has not been decided earlier, it can be decided within a stipulated period as may be directed by this Court.

9. In view of the above, we proceed to pass following order:

ORDER

(i) The writ petition is **allowed**.

(ii) Respondent No.1 – State of Maharashtra, Ministry of Urban Development, Mantralaya, Mumbai, is directed to decide the appeal filed by the petitioner under Section 47(1) of the Maharashtra

Regional and Town Planning Act, 1966, on 28/03/2022, which is at record page No.14 (Annexure-A), within a period of three months from the date of communication of this order.

(iii) The petitioner to communicate this order to respondent No.1

(iv) The petitioner is directed to file a fresh copy of the aforesaid appeal with respondent No.1, along with the reply received, if the same is not available on record of respondent No.1.

(v) In the meanwhile, respondent No.4 is directed not to act upon the impugned notice dated 30/09/2025, which is at record page No.23 (Annexure-B), till the decision of respondent No.1 on the appeal filed by the petitioner.

(vi) Rule is made absolute in the above terms. No order as to costs.

10. Authenticated copy of this order be provided to the parties.

(RAJ D. WAKODE, J.)

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

Vijaykumar