



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

WRIT PETITION NO. 396 OF 2024

M/s George Developers
through its partner Santosh Markose
George, Aged about : 50 Years, Occupation :
Business, R/o Byramji Town, Nagpur.

... PETITIONER

VERSUS

1. The Nagpur Improvement Trust, Civil Lines,
Nagpur, through its Chairman.
2. The Divisional Officer (North), Nagpur
Improvement Trust, Office at Vaishali Nagar,
Nagpur-17.
3. Nitin A. Kohale
Aged about : Major, Occupation : Business;
R/o Plot No.1, Kohale Layout, Godhani
Road, Nagpur.
4. Umesh A. Kohale
Aged about : Major, Occupation : Business;
R/o Plot No. 1, Kohale Layout, Godhani
Road, Nagpur.

... RESPONDENTS

Mr. N. A. Lalwani, Advocate for Petitioner.
Mr. K. P. Mahalle, Advocate for Respondent Nos.1 and 2.
Mr. S. U. Bhutada, Advocate for Respondent No.3.
Mr. H. D. Dangre, Advocate for Respondent No.4.

CORAM : SMT. M. S. JAWALKAR AND PRAVIN S. PATIL, JJ.
DATE : SEPTEMBER 02, 2025.

ORAL JUDGMENT [PER PRAVIN S. PATIL, J.]

. Heard. **Rule.** Rule made returnable forthwith by consent of the parties.

2. It is the submission of the Petitioner that Respondent Nos.3 and 4, who claims to be the owner of Plot Nos. 27 and 27A, Kh.Nos. 32, 33/1 at mouza Zingabai Takli, Nagpur, carried out illegal construction. Their request for regularisation of plots was turned down by the Respondent No.1. Hence, seeks direction against the Respondent No.1 to take action against the Respondent Nos.3 and 4 for removal of illegal construction as per notice dated 18/4/2023.

3. Perusal of record indicates that Plot Nos.27 and 27/A are regularized by the Respondent No.1 under the provisions of Maharashtra Gunthewari Developments (Regularisation, Upgradation and Control) Act, 2001 vide order-cum-communication dated 22/3/2024. Today the Respondent No.3 placed on record the affidavit stating therein that after regularization of the plots, Respondent Nos.3 and 4, on 21/7/2025, applied for building permission to the Respondent No.1 by submitting their online application.

4. The Respondent No.1 admitted the fact that said application is

duly received by his office through online. In the circumstances, this Petition can be disposed of by directing the Respondent No.1 to decide the application dated 21/7/2025 filed by the Respondent Nos.3 and 4 within a period of 90 days from the date of appearance of the parties before Respondent No.1.

5. The Respondent No.1/Competent Authority of Nagpur Improvement Trust is requested to consider and decide the application tendered by the Respondent Nos.3 and 4 on merits, by granting opportunity of hearing. It is made clear that present Petitioner also permitted to participate in the said proceeding. All issues are kept open for consideration of Respondent No.1.

6. Parties are directed to appear before the Respondent No.1 on 8th September, 2025.

7. Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M. S. JAWALKAR, J.]