



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

WRIT PETITION NO. 1767 OF 2024

(Kishore s/o Hansraj Jham and ors Vs. Nagpur Municipal Corporation and another)

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

Court's or Judge's orders

Mr. S. V. Bhutada, Advocate for petitioners,
Mr. Kotwal, Advocate for intervenor
Mr. Abhay Sambre, Advocate for respondent No.1

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 06-05-2025

Learned counsel for petitioner in view of the notice dtd 6.5.2025 issued by the NMC seeks to withdraw the petition, which is being objected by Mr Kotwal, learned counsel for the intervenor whose application is still pending on the ground that the notice grants only 24 hrs time and some reasonable time needs to be granted to reply to the same. Mr Sambre, learned Counsel for respondent No. 1 submits that the show cause notice has been given on the basis of the structural report issued by the VNIT considering that there were contrary reports earlier in point of time regarding the structural stability. We find that the structural report is dated 30.1.2025 considering which, a reasonable time ought to have been accorded to the occupants of the building. Mr Kotwal appears for one of the occupants. Considering that the report is of 30.1.2025, we deem it appropriate that a reasonable time be granted. However considering the reason for which the notice has been issued which is based upon the structural instability we inquired

with Mr. Kotwal, learned counsel for proposed intervenors, whether he would be willing to vacate the premises under his own lock and key for a period of 7 days so that there may not be any loss of life, in case, any untoward incidence happens, to which, upon instructions of his client, who is present in the court, he answer in the affirmative. We therefore, exercise our extra ordinary jurisdiction, and we direct respondent Nos. 1 and 2 to not to act upon the notice dated 6.5.2025 for a period of 7 days from today, subject to the condition, that the proposed intervenor vacates the premises under his own lock and key today itself.

2. List the matter on 7.5.2025 for reporting compliance.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede