



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

WRIT PETITION NO.4537 OF 2024

Mahesh Muktnarayan Sharma

Vs.

The Amravati Municipal Corporation and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.M. Vaishnav, Advocate for the Petitioner.
Mr. J.B. Kasat, Advocate for the Respondent No.1.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 10th OCTOBER, 2025

1. Heard Mr. S.M. Vaishnav, learned counsel for the petitioner and Mr. J.B. Kasat, learned counsel for the respondent No.1.

2. The petitioner assailed the order dated 12.07.2024 passed by the Learned District Judge-5, Amravati in RCA No.51/2022, allowing the application filed by the Corporation vide Exh.25 for vacating the order of status-quo granted on 24.07.2023.

3. Learned counsel for the petitioner submits that the petitioner is a tenant who has approached to the competent Court and that dispute is pending before the Court. During the pendency of the dispute, the corporation issued notice in connivance with the owner that the structure is in dilapidated condition, therefore, he challenged the notice issued by the corporation and

after receipt of the said notice, he filed an application vide Exh.18 on which the Court below granted status-quo on 24.07.2023.

4. Subsequently, the corporation filed an application vide Exh.25 for vacating the interim order passed below Exh.18. Learned counsel for the petitioner further submits that the learned District Judge, without considering the merits of the matter and more particularly, the findings in the order dated 12.07.2024, vacated the status-quo granted on 12.07.2024.

5. Being aggrieved by the same, the present petition is filed.

6. Per contra, learned counsel for the respondent-Corporation submits that as the Corporation, is a statutory authority under the Maharashtra Municipal Corporation Act, under which the corporation is empowered to issue notice, if the construction is found in dilapidated condition.

7. He further submits that the corporation is not a party to the proceedings and only on the application filed by the petitioner, the status-quo order was granted. Therefore, he supports the order passed by the Learned District Judge and prayed for dismissal of the writ petition.

8. With assistance of the learned counsels for both the parties, I have gone through the documents placed on record and considering the order passed by the learned District Judge, I find no any perversity in the order as the learned trial Court in para No.3 of the order

has separately observed that the Municipal Corporation, Amravati is at liberty to perform its duty strictly adhering to the directions of Hon'ble Apex Court in Civil Appeal No.1815-1816 of 2023 and the Hon'ble High Court in Writ Petition No.1135/2014 in the light of decree passed in Regular Civil Suit No.422/2017 dated 21.02.2022.

9. In view thereof, there is no perversity in the order passed by the learned Trial Court, therefore, the petition is *sans merit* and accordingly the petition is **dismissed**. No order as to costs.

(SIDDHESHWAR S. THOMBRE J.)

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