



2-3232-2025

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

WRIT PETITION NO. 3232 OF 2025

(Smt. Jayshree Jaywant & Ors. Vs. Nagar Parishad, Rajura, through Chief Officer)

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

Court's or Judge's orders.

Ms Kirti Satpute, Counsel for the petitioners.

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CORAM : ANIL L. PANSARE, J.
JUNE 24, 2025

Heard.

2] The case of the petitioners – plaintiffs, before the trial Court, was that the respondent – Municipal Council is excavating a drain from the field belonging to the petitioners. The trial Court rejected the application seeking injunction. The First Appellate Court, while upholding the said finding, referred to spot inspection report dated 10/6/2024 to opine that the drain under question is being constructed on the boundary of survey nos, 105 and 107 (survey no. 107 is belonging to the petitioners) so as to connect with the natural east-west flowing nallah, which is at the north-east corner of survey no. 107.

3] The learned Counsel for the petitioners has invited my attention to the spot inspection report. The last line of the report indicates that the drain is being excavated from the field belonging to the petitioners.

4] Issue notice to the respondent returnable on 22/7/2025. Notice on interim relief as well.

5] In addition to usual mode of service, the petitioners shall serve the respondent by speed post, and file affidavit of service. In case of urgency, the petitioners may get the petition circulated.

(ANIL L. PANSARE, J.)

Sumit