



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 3543 OF 2024

BABAN BHAGUJI BARASKAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ADDITIONAL CHIEF
SECRETARY AND OTHERS

...

Adv. D.R. Kale for the Petitioners

Mr. N.D. Batule, AGP for State

Adv. V.S. Bedre for Respondent No. 4

Sr.Adv. P.R. Katneshwarkar i/b. Adv. Y.S. Choudhari for Respondent No. 5

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CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.

DATE : 09.04.2026

PER COURT:

1. This petition is filed seeking direction to respondent Nos. 1 and 2 to take cognizance on the complaint submitted by the petitioner to respondent No. 1 on 15.12.2023 and on the letter issued by respondent Nos. 2 and 3 on 16.02.2023. A direction is also sought to initiate action under M.C.S. Rules against the erring officers and cancel the order and approval of amalgamation of two plots belonging to respondent No. 5.

2. Learned advocate for the petitioner placed on record copy of the communication dated 01.10.2024 addressed to the Principal Secretary, Urban Development Department, by the Chief Administrative Officer, Town Planning Department, wherein the opinion is expressed to cancel the amalgamation of two plots and initiate action against the

concerned officer who has granted permission for amalgamation. The same is marked 'X' for identification.

3. It is further pointed out that the said communication was challenged by respondent No. 5 by filing Writ Petition No. 55 of 2026, and by order dated 07.01.2026, the said writ petition is dismissed by observing as follows :

“6. Here, it is to be noted that as it has been clarified by the respondent Nos. 1 and 2 that communication dated 01.10.2024 is a opinion/report, no action is yet taken by the State. Now as regards opinion is concerned, it is no onwards mandatory to hear the persons concerned. Certainly, when it comes to taking decision, it would be then mandatory for the respondent No. 1 to hear all the parties concerned who would be affected, and therefore, in our opinion, cause of action had not arising for the petitioner to file the petition itself on the basis of communication dated 01.10.2024. It is only the opinion and we hope that before respondent No. 1 takes any action, it will hear all the persons concerned.”

4. Learned senior advocate for respondent No. 5 submits that pursuant to the said opinion of the Court dated 01.10.2024 the hearing is going on before respondent No. 1. The said hearing is expedited.

5. In the light of the above, the grievance of the petitioner appears to be addressed by the respondents. Therefore, nothing survives in the present petition. Writ Petition is therefore **disposed of**.

[VAISHALI PATIL-JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]