



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 55 OF 2026

Mahavir Infra Plus L. L. P. Through Its Partner Harshal Santosh Bhandari
VERSUS
The State Of Maharashtra Thorough Additional Chief Secretary And Others

Mr. P. R. Katneshwarkar, Senior Advocate i/b Mr. Y. S. Choudhari,
Advocate for petitioner
Mr. A. B. Girase, GP for respondent Nos. 1 to 4.

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 07th January, 2026

PER COURT :-

1. Heard Mr. Katneshwarkar, learned Senior Advocate, instructed by Mr. Choudhari, Advocate for petitioner and Mr. Girase, Government Pleader for respondent Nos. 1 to 4.

2. Petitioner is challenging impugned communication dated 01.10.2024 issued by respondent No. 2 to the State. Petitioner contends that issue in dispute is in respect of Land Survey No. 322/1B/2B situated at Savedi area and Survey No. 24/2B/1 situated at Bhistbag area in Ahilyanagar. Land Survey No. 322/1B/2A is owned by the petitioner so also Survey No. 322/1B/2B which also belongs to petitioner with measurement of 12.5R was purchased by the petitioner from the original owners. Since both the lands were adjacent, even though they were

purchased by the petitioner by two different survey numbers. Respondent Nos. 6 and 7 were interested in developing the property. Respondent Nos. 6 and 7 had filed application dated 05.07.2022 seeking amalgamation of land bearing Survey No. 24/1B1 (Bhistbag) and Survey No. 322/1B/2A/A/B/K/D (Savedi). The earlier owner Mr. Mandhana while forwarding application for amalgamation had deposited the challan of Rs. 3,50,710/-. The measurement was carried out by Town Planning Department of Ahmednagar Municipal Corporation on 22.07.2022. The final lay out was sanctioned. Respondent Nos. 8 to 10 had raised a grievance that they were not given notice being adjacent owner of the property and they made complaint regarding the amalgamation. It was then realized that a typographical mistake had occurred at the hands of Municipal Corporation, Ahmednagar. The permission was sought properly by the petitioner and in fact the permission ought to have been given to the above said two properties in Savedi and Bhistabag. Now the respondent Nos. 8 to 10 are taking advantage of the typographical mistake occurred in the order dated 22.07.2022 and it appears that they had approached by the Town Planning Department.

3. Learned Senior Counsel after taking us through all the documents regarding the sale deeds submits that agreement and lay out was sanctioned by mentioning proper survey numbers. However, the

typographical mistake occurred and, therefore, Administrative Officer attached to Director Town Planning Department, State of Maharashtra at Pune gave impugned communication dated 01.10.2024 without hearing the petitioner and, therefore, that deserves to be set aside. He had relied on the sanction granted by Ahmednagar Municipal Corporation to the Building Corporation and also the commencement certificate which was then issued stating that it is with the proper survey numbers. He also then tenders communication Exhibit 'X' dated 09.12.2025 which was after the filing of the petition wherein Ahilyanagar Municipal Corporation (Erstwhile Ahmednagar Corporation) thereby correcting the number in the amalgamation letter.

4. Taking into consideration the wordings in the letter dated 01.10.2024, learned AGP to take instructions as to whether the same communication is a report/opinion or it is an order. The matter was adjourned for that purpose and today, upon instructions, he states that it is the report to the State and the State Government has not yet taken any decision on the same.

5. Learned senior counsel yet submits that even for the said communication/opinion dated 01.10.2024, the petitioner ought to have been heard as it is stated that the action was taken on the basis of

complaint application by one Mr. Bharat Bhaguji Baraskar.

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.

7. Writ petition stands dismissed.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi