



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO. 138 OF 2026

Pushpa Vinodkumar Nahar And Others

VERSUS

The State Of Maharashtra Through Urban Development Department And
Others

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Mr. D.P. Palodkar, Advocate h/f Mr. S.D. Nimbalkar, Advocate for the Petitioner
Mr. S.B. Pulkundwar, AGP for Respondents/State
Mr. S.B. Bhosale, Advocate for Respondent No. 4 and 5

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 12 FEBRUARY 2026

ORDER :

. Heard learned advocate Mr. D.P. Palodkar holding for learned advocate Mr. S.D. Nimbalkar for petitioners and learned advocate Mr. S.B. Bhosale, who waives notice for Respondent No. 4 and 5. He places on record affidavit in reply.

2. The petition has been filed for quashing and setting aside the impugned notices dated 29.04.2025 and order dated 29.12.2025 passed by Respondent No. 4 and 5. The major contention of the petitioners is that they are owners of portions from CTS No. 90, 21 and 22 situated at town Wadwani, Dist. Beed. According to Respondent No. 4 and 5 there is illegal construction in Gut No. 214 by the present petitioners and therefore the impugned notices have been issued.

3. We do not want to go into the merits of the case. However, it appears that though the present petitioners were not party before this Court in Writ Petition No. 1113 of 2024, which was decided on 17.02.2016 it appears that it was in respect of unauthorized construction in Gut No. 214 which vests in the Government. By the said order, this Court had directed that Collector should make an enquiry and take decision. Thereafter, it appears that Collector has made enquiry and given decision that in earlier Survey No. 108A and present Gut No. 214 at Wadwani the petitioners had filed Writ Petition No. 1113 of 2014 and their construction cannot be regularized. It also appears that some of the occupants from Gut No. 214 filed Regular Civil Suit No. 278 of 2023 before Joint Civil Judge, Senior Division Majalgaon and by order dated 12.10.2023 application for interim injunction came to be rejected. According to the learned advocate for Respondent No. 4 and 5 the said suit is still pending. According to the petitioners, property of their ownership is different and then notice that has been given is different. The measurement that has been got done gives a different picture and whatever construction that was made, the petitioner No. 1 had sought proper permissions for the same.

4. In our considered opinion, the petition refers to the disputed questions of facts, which cannot be gone into and therefore, when this

opinion is expressed, learned advocate for the petitioners, upon instructions, makes a statement that petitioners would approach the appropriate Court.

5. In view of said statement we dispose of the petition with liberty as prayed. Though, learned advocate for Respondent No. 4 and 5 is taking objection for grant of *status quo* order, yet we are of the opinion that the suit is still pending in respect of same gut number before Joint Civil Judge Senior Division, Majalgaon and even when this Court had passed order to the Collector to hold enquiry, at that time, also the *status quo* order was granted. Then, it will not be any hurdle for giving breathing time to the petitioners and therefore with liberty to withdraw the petition we direct the parties to maintain *status quo* in respect of disputed structures for a period of one month from today. We make it clear that this period will not be extended on any count.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Bhagyawant Punde