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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 639 OF 2026

Vitthalrao Rambhau Andhale
VERSUS
Nagar Panchayat Wadwani And Another

.....

Mr. Harshad H. Padalkar, Advocate for Petitioner
Mr. S.B. Bhosale, Advocate for Respondent No.1
Mr. Abhijit M. Phule, AGP for Respondent No.2

.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 25 FEBRUARY, 2026

PER COURT :-

1. Heard the learned advocate for the petitioner. Learned advocate Mr. Bhosale waives service of notice for respondent No.1. Learned AGP waives service of notice for respondent No.2.

2. The present petition has been filed for quashing and setting aside the notice dated 29.12.2025 issued by respondent No.1.

3. The petitioner contends that he is the owner and possessor of property No. 844 and that it is part and parcel of Gut No. 214, which he had purchased from the ancestors of one Santosh Rajebhau Chate. The said property is situated within the town of Wadwani. Now, according to respondent No. 1, there is illegal construction on property bearing No. 844, which is part of Gut No. 214, and therefore, it is stated that a notice has been issued.

4. Taking into consideration the documents on record as well as affidavit-in-reply filed on behalf of respondent No.1 by Popat Nanasaheb Nigal, Chief Officer, Nagar Panchayat, Wadwani, it appears that there are disputed questions of fact. Further, it also appears that the present petitioner was not a party to Writ Petition No. 1113 of 2014 decided on 17.02.2016, which was stated to be in respect of unauthorized construction in Gut No. 214, and wherein it is stated that the said land vests in the Government. This Court, by order dated 17.02.2016, had directed the Collector to make an enquiry and take a decision. Thereafter, it appears that the Collector has conducted an enquiry and given a decision that, in earlier Survey No. 108-A and present Gut No. 214 at Wadwani, the petitioners in Writ Petition No. 1113 of 2014 had made construction and that the said construction cannot be regularized.

5. Learned advocate for the petitioner herein makes a statement that the petitioner was not a party to Writ Petition No. 1113 of 2014. Further, it is a matter of record that some of the occupants of Gut No. 214 have filed R.C.S. No. 278 of 2023 before the Joint Civil Judge, Senior Division, Majalgaon, and by order dated 12.10.2023, the application for interim injunction came to be rejected. However, the said suit is still pending. When there are disputed questions of fact, we do not intend to exercise our powers under Article 226 of the Constitution of India. Learned advocate for the petitioner places on record the earlier order passed by this

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Court on 12.02.2026 in Writ Petition No. 138 of 2026 (*Pushpa Vinodkumar Nahar and Others vs. The State of Maharashtra and others*), wherein, while disposing of the petition, liberty was granted and status quo in respect of the construction was directed to be maintained for a period of one month. He submits that the petitioner would also file a suit.

6. In view of the said statement, we dispose of the petition with liberty to the petitioner to avail the available legal remedy. Though learned advocate for respondent No. 1 has objected to the grant of a status quo order, yet we are of the opinion that the situation at the property deserves to be protected for some time to enable the petitioner to avail the available legal remedy, taking into consideration the past events in respect of the property. Hence, we direct the parties to maintain *status quo* in respect of the disputed structure for a period of one month from today. We make it clear that this period shall not be extended on any count.

7. The *status quo* granted today shall not be an impediment for the trial Court, in the suit to be filed, to consider the submissions of the parties on merits.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE