



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

WRIT PETITION NO. 1697 OF 2026

Satish Madhavrao Pingle
VERSUS
The State of Maharashtra through Secretary and others

WRIT PETITION NO. 1706 OF 2026

Gulab Shrimantrao Pawar
VERSUS
The State of Maharashtra through Secretary and others

WRIT PETITION NO. 1668 OF 2026

Rajkumari Bramhamprakash Thakur
VERSUS
The State of Maharashtra through Secretary and others

WRIT PETITION NO. 1673 OF 2026

Amol Madhukar Khillare
VERSUS
The State of Maharashtra through Secretary and others

Mr. Vishal Bakal, Advocate for petitioners
Ms. N. B. Kamble, Mr. R. S. Wani, AGP for respondent-State in respective matters
Mr. A. P. Bhandari, Advocate for respondent Nos. 3 and 4, Chhatrapati Sambhaji Nagar Municipal Corporation in all matters

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

RESERVED ON : 12th February, 2026

PRONOUNCED ON : 27th February, 2026

ORDER (PER : Hiten S. Venegavkar, J.):-

1. These four writ petitions, namely Writ Petition Nos. 1697 of

2026, 1706 of 2026, 1668 of 2026 and 1673 of 2026, were heard together as they arise out of a common decision dated 06.02.2026 issued by the Municipal Corporation of Chhatrapati Sambhaji Nagar under Section 260 of the Maharashtra Municipal Corporation Act, 1949 (for short, "the MMC Act"), whereby portions of the residential properties of the respective petitioners are directed to be demolished on the ground that they affect the Development Plan road.

2. The petitioners are owners and possessors of their respective plots situated at Satara, Chhatrapati Sambhaji Nagar, having acquired title by registered sale deeds executed by their predecessors-in-title. It is their case that construction permissions were granted by the then competent authority, namely the Gram Panchayat, Satara, during the years 1991–1992, and that approved plans were sanctioned for construction of dwelling houses, including first-floor construction. The petitioners rely upon the said permissions as well as upon an order dated 09.02.2002 passed by the Collector, Aurangabad, regularizing the land for non-agricultural use. According to the petitioners, the constructions were raised strictly in accordance with the permissions granted and no conditions were violated.

3. It is not in dispute that in the year 2015–2016, the area of Satara and Devlai Gram Panchayat was merged into the limits of the

then Aurangabad Municipal Corporation, now renamed as Chhatrapati Sambhaji Nagar Municipal Corporation. The petitioners contend that by virtue of Section 493 read with Appendix VI of the MMC Act, permissions granted by the erstwhile authority continue to remain valid and operative, and that the Corporation cannot retrospectively term such constructions as unauthorized.

4. The controversy arises in the context of implementation of the Development Plan 2022–2040, which came into force on 15.04.2025. Under the said Development Plan, the width of the road abutting the petitioners' properties is proposed to be increased to 15 meters. A notice dated 28.11.2025 was issued under Section 260 of the MMC Act alleging that portions of the petitioners' constructions were unauthorized and affected the proposed road widening. The petitioners submitted replies along with copies of the construction permissions and other supporting documents. Thereafter, the impugned notices dated 06.02.2026 were issued, directing demolition of the structures within eight days, failing which the Corporation would carry out demolition.

5. Learned counsel appearing for the petitioners submitted that the action of the Corporation is arbitrary and unsustainable. It was contended that the constructions were raised pursuant to valid permissions granted by the Gram Panchayat at a time when the

Municipal Corporation was not in existence in respect of the said area. It was further argued that the order passed by the Collector regularizing the land for non-agricultural use lends support to the legality of the development. According to the petitioners, the Corporation has failed to consider the documents annexed to the reply and has summarily concluded that the constructions are unauthorized. It was also urged that if the land is required for road widening, the Corporation must resort to acquisition proceedings in accordance with law and compensate the petitioners. Reliance was placed upon Article 300A of the Constitution of India to contend that no person can be deprived of property save by authority of law.

6. Per contra, the learned advocate appearing for the Municipal Corporation submitted that the impugned notices have been issued after granting an opportunity of hearing and considering the replies. It was contended that the petitioners have not obtained permission from the competent Planning Authority under the relevant planning legislation and that permissions granted by the Gram Panchayat are not sufficient once the area forms part of a Municipal Corporation. It was further submitted that the order of the Collector pertains only to conversion of agricultural land to non-agricultural use and does not amount to regularization of construction. On these grounds, it was urged that the constructions are

unauthorized and that the notices issued under Section 260 are legal and valid.

7. We have heard the learned counsel for the parties at length and perused the record. It is an admitted position that the petitioners' properties are partly affected by the Development Plan road. It is equally undisputed that the petitioners do not oppose the road widening as such. The core issue that arises for consideration is whether the notices issued under Section 260 of the MMC Act satisfy the statutory requirements and whether they disclose adequate reasons and particulars to justify the drastic action of demolition.

8. Section 260 of the MMC Act empowers the Commissioner to require removal or alteration of unauthorized construction. The power is drastic in nature, as it entails demolition of property. It is well settled that such power must be exercised strictly in accordance with the statute and consistent with the principles of natural justice. The notice must clearly specify the nature of the alleged unauthorized construction, the extent of deviation, the legal provisions violated, and must provide sufficient particulars to enable the person concerned to effectively respond.

9. In the present case, upon perusal of the notice dated

06.02.2026, we find that it is conspicuously silent as to the precise nature and description of the construction alleged to be unauthorized. The notice does not specify the exact area falling within the Development Plan road, except by broadly referring to "15 meters and 30 meters" of road width. It does not quantify the portion of construction to be removed nor does it furnish measurements with clarity. More importantly, the notice does not deal with the specific contention of the petitioners that the constructions were raised pursuant to permissions granted by the Gram Panchayat prior to the establishment of the Corporation. None of the documents annexed to the reply are discussed or rejected by a reasoned analysis.

10. The requirement of a reasoned order is no longer res integra.

In ***Siemens Engineering and Manufacturing Co. v. Union of India***, (1976) 2 SCC 981, the Hon'ble Supreme Court held as under :

6. Before we part with this appeal, we must express our regret at the manner in which the Assistant Collector, the Collector and the Government of India disposed of the proceedings before them. It is incontrovertible that the proceedings before the Assistant Collector arising from the notices demanding differential duty were quasi-judicial proceedings and so also were the proceedings in revision before the Collector and the Government of India. Indeed, this was not disputed by the learned Counsel appearing on behalf of the respondents. It is now settled law that where an authority makes an order in exercise of a quasi-judicial function, it must record its reasons in support of the order it makes. Every quasi-judicial

order must be supported by reasons. That has been laid down by a long line of decisions of this Court ending with N. M. Desai v. Testeels Ltd.

Thus, Hon'ble Supreme Court emphasized that every quasi-judicial order must be supported by reasons. In ***Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan***, (2010) 9 SCC 496, the Hon'ble Supreme Court reiterated that recording of reasons is an indispensable facet of natural justice and promotes transparency and fairness in decision-making. In the context of municipal demolition proceedings, this Court has consistently held that notices under Section 260 must disclose specific particulars of the alleged unauthorized construction so as to enable effective defence.

11. Further, the Hon'ble Supreme Court in ***Municipal Corporation of Greater Mumbai v. Sunbeam High Tech Developers Pvt. Ltd.***, (2019) 20 SCC 781, observed that demolition powers must be exercised strictly in conformity with statutory provisions and with due regard to procedural safeguards. The Bombay High Court has similarly held in several decisions that a bald notice lacking particulars and reasons is liable to be set aside as being violative of principles of natural justice.

12. In the present matter, we consciously refrain from

adjudicating upon the ultimate validity of the permissions obtained by the petitioners or upon the question whether acquisition proceedings are necessary. Those issues may require detailed examination by the competent authority in accordance with law. Our interference at this stage is confined to the legality and sufficiency of the impugned notices.

13. We are of the considered view that the impugned notices dated 06.02.2026 suffer from non-application of mind. They fail to specify the nature, description and measurements of the alleged unauthorized construction. They do not contain any reasoning as to why the permissions granted by the erstwhile Gram Panchayat are not valid or sufficient. They do not analyze or reject the documents produced by the petitioners by way of a reasoned order. Such notices, which entail serious civil consequences, cannot be sustained in law.

14. In exercise of our jurisdiction under Article 226 of the Constitution of India, we therefore, set aside the impugned notices dated 06.02.2026 issued under Section 260 of the MMC Act. The matter is remitted to the respondent authorities for reconsideration. The respondents shall reconsider the replies submitted by the petitioners along with all annexed documents and permissions, grant an opportunity of personal hearing, and thereafter pass a detailed, reasoned order dealing with each of the contentions raised. If, upon such consideration,

the respondents find that any portion of the construction is unauthorized, they shall issue an appropriate notice under Section 260 clearly specifying the nature, description and measurements of the alleged unauthorized construction and the statutory basis for such conclusion.

15. All four writ petitions are accordingly disposed of in the above terms. There shall be no order as to costs.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi