



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 5054 OF 2026

JAIPAL KISAN GADE AND ORS
VERSUS
THE MUNICIPAL COUNCIL BEED AND ORS

...

Mr. A. B. Kale, Advocate for the Petitioners
Mr. R. S. Wani, AGP for Respondent Nos.2 to 5

...

CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.
DATE : 06.05.2026

PER COURT :-

. Heard learned Advocate for the petitioners and learned AGP waives notice for respondent Nos.2 to 5.

2. The learned Advocate for the petitioners submits that land bearing Survey No.68, admeasuring 25,200 sq. meters, situated at Adarsh Nagar, Beed originally belonged to one Mr. Mangesh Rao Ramesh Rao Tendulkar. It was converted from agricultural to non-agricultural use specifically for residential purpose under the orders of the Collector, Beed dated 18.01.1983. A revised residential layout plan of the said N.A. plot was stated to have been approved by the Chief Officer, Municipal Council, Beed, on

04.04.2022. The said land was then divided into 66 residential plots and several co-operative housing societies have been established. The petitioners contend that respondent No.7 – Dr. Shriram Baglane had made an application to respondent No.1 seeking permission to construct “BAGLANE COMPLEX” vide application dated 08.01.2024. That application was for commercial construction. Respondent No.8 – Dr. Dnyaneshwar Ram Rohe had then made an application to respondent No.1 seeking permission for construction of “DR. ROHE HOSPITAL BUILDING” on 08.08.2024. Respondent No.1 granted permission on 12.01.2024 to respondent No.7 and on 03.10.2024 to respondent No.8. The sanctioned building plans revealed that Baglane Complex has shops and offices on all floors whereas respondent No.8 intends to erect a multi-speciality hospital. Learned Advocate for the petitioners submits that these permissions granted to respondent Nos.7 and 8 are in violation of the Unified Development Control and Promotion Regulations (UDCPR), 2020, the Maharashtra Fire Prevention and Life Safety Measures Act, 2006, the Maharashtra Nursing Homes Registration Act, 1949 and the Clinical Establishments (Central Government) Rules, 2012. The petitioners had made several representations to the respondent-authorities. However, no concrete action has been taken. When complaint was made on 21.02.2025, after persuasion, notices appear to have been issued under Section 54 of the

M.R.T.P Act on 13.11.2025 and 22.11.2025 for stopping the work of respective respondent Nos.7 and 8. However, thereafter no action has been taken. He submits that the photographs would show that huge buildings for commercial purpose would be coming up which is in violation of the rules. Again after persuasion, respondent No.1 has issued notices under Section 54 of the M.R.T.P Act once again on 19.01.2026 separately to respondent Nos.7 and 8, but again the construction has not been stopped. Some of the petitioners have adjacent plots and the plans that have been sanctioned in favour of respondent Nos.7 and 8 would show that the required open space has not been left in between the two plots though a condition has been imposed in the construction permission that the construction should be as per UD CPR, yet respondent No.1 itself has not followed those rules while granting the permission. Hence, the petitioners are before this Court.

3. Learned Advocate for the petitioners relies on the observations from *R. K. Mittal and Ors. vs. State of U.P and Ors. in Civil Appeal No.6962 of 2005* along with companion matters decided by the Hon'ble Supreme Court on 5th December 2011, wherein, the Hon'ble Supreme court has prohibited the erection of hospital in residential area. He also relies on *Loganathan vs. State of Tamilnadu and Ors. in Miscellaneous Application Diary No(s).17103 of*

2006 in SLP (C) Nos.8044-8045 of 2025 decided on 25.03.2026, wherein also the Hon'ble Apex Court has taken note of the fact that, in residential colonies the plots are converted into commercial areas by unauthorized use of residential buildings and lands. Such practices are not only contrary to law and public interest, but also cause significant inconvenience and prejudice to bona fide residents, who have invested substantial resources in purchasing property and constructing their houses. The environmental and civil consequences of such misuse of by unscrupulous elements of society are equally serious and have far-reaching implications.

4. Here, it is to be noted that both the orders on which the petitioners are relying are in the special leave petition. Of course, the observations are binding on this Court, but the petitioners have come before this Court under Articles 226 and 227 of the Constitution of India. Another fact to be noted is that from the documents which have been produced, it can be seen that the layout of the plot was sanctioned on 04.04.2022 and it appears that the applications and the photographs which were given by respondent Nos.7 and 8 are dated 05.01.2024. The building permissions have been granted on 12.01.2024 and 03.10.2024. That means, in fact, on 12.01.2024 commencement certificate was issued for respondent No.7 and for

respondent No.8 it was issued on 03.10.2024. Thereafter, the complaint application placed on record by the petitioners is dated 21.02.2025, which can be seen to be after one year. As regards respondent No.7 is concerned, naturally the building work would have been started by that time. The petitioners want to protect their civil rights. It is not only in respect of their plots but also in respect of the use of the public roads and public places around the area, thereby stating that though respondent Nos.7 and 8 are making construction on their plots, yet the permission that has been granted is stated to be contrary to or in violation of the provisions of the M.R.T.P. Act as well as UDCPR. The petitioners could have approached the Civil Court for injunction and thereby the further work could have been stopped. The petitioners have an equally efficacious remedy available to them at Beed itself, yet the petitioners have now come to this Court by filing this Writ Petition on 30.03.2026.

5. When asked about all these questions, learned Advocate for the petitioners submits that the petitioners are now, upon instructions, restricting their claim to prayer clause "F" which runs thus :

"F. To issue a writ of Mandamus or any other appropriate writ, order or direction, thereby directing Respondent Nos. 1, 2, 3, 4, 5 and 6 to decide the representations/complaints filed by the

petitioners dated 21.02.2025, 04.09.2025, 19.09.2025, 25.11.2025, 17.12.2025 and 26.11.2025 in accordance with law and within a time-bound period.”

We, therefore, call upon the learned AGP to take instructions from respondent No.2 – District Collector, Beed, respondent No.4 – Deputy Director of Town planning and Valuation Department, Chhatrapati Sambhajinagar Division and respondent No.5 – the District Civil Surgeon, Beed, in respect of the representations dated 21.02.2025, 04.09.2025 and 19.09.2025. The learned AGP, upon instructions of respondent Nos.2, 4 and 5 submits that they would decide these representations within a period of four weeks from today. The said statement is taken as undertaking.

6. Though at the stage, we had not issued notice to respondent No.1 – Municipal Council through its Chief Officer and respondent No.6 – the Chief Fire Officer, Municipal Council, Beed, certainly we are of the opinion that when the representations have been made, they should take decisions on those representations/grievances within a reasonable time and therefore, while disposing of the writ petition, we are giving directions to them also to decide the representation before them i.e. dated 16.12.2025, 26.11.2025, within four weeks from today.

7. Since the petitioners have restricted the petition to prayer clause “F” only, we are of the opinion that there is no necessity to issue notice to respondent Nos.7 and 8 also.

8. The writ petition thus stands disposed of with directions to respondent Nos.1, 2, 4, 5 and 6 to decide the above referred representations of the petitioners within a period of four weeks from today.

9. These directions are to the authorities and they will not come in the way of pursuing the right of the petitioners, if any, to file appropriate proceedings before the appropriate authority.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)