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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3799 OF 2026**

Dadaji Deoba Shinde

... Petitioner

**Versus**

Nashik Municipal Corporation & Anr.

... Respondents

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Mr. Pranil Sonawane with Krishna Shukla with Vedashree Phadke for the  
Petitioner.

Mr. Rohit Sakhadeo for Respondent No.1.

Mr. Manish Kelkar for Respondent No.2.

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**CORAM : M. S. KARNIK AND**

**SHYAM C. CHANDAK, JJ.**

**DATED : 24<sup>th</sup> MARCH, 2026.**

**P.C. :**

1. The Corporation issued a notice for demolition of the structure which is a residential house belonging to the Petitioner comprising of ground plus one storey. It is contended that the premises in question has commencement certificate. Mr. Sonawane, learned Counsel for the Petitioner invited our attention to the sanctioned plans which appear to have been approved on 16<sup>th</sup> January, 2020 by the Executive Engineer, Town Planning Scheme, Nashik Municipal Corporation, Nashik. The Corporation issued a notice for demolition of the subject structure on the ground that it is non compliant with the necessary permissions required under the provisions of the MRTP Act.

2. The Corporation by the impugned Order dated 15<sup>th</sup> December, 2025 held that the structure in question is unauthorised. The Executive Engineer was not satisfied with the response of the Petitioner.

3. The Petitioner on 15<sup>th</sup> December, 2025 approached the Corporation placing on record documents to show that the structure in question was constructed after obtaining due permissions in terms of the sanctioned plan. The learned Counsel for the Petitioner submits that he would be making an application for an occupation certificate.

4. The learned Counsel for the Corporation submitted that there is no error in the impugned Order. It is submitted that despite granting an opportunity to the Petitioner to produce documents establishing the structure as authorised, the Petitioner failed to produce any document substantiating his claim that the structure is authorised.

5. We find that on record is a sanctioned plan duly approved by the Executive Engineer, Town Planning department of the Corporation. The Petitioner states that the Application will be duly made for the occupation certificate which is the only compliance remaining according to the him.

6. In such view of the matter and for the purpose of giving one more opportunity to the Petitioner in the interest of justice, the impugned order dated 15<sup>th</sup> December, 2025 is quashed and set aside. The Petitioner to appear before the Executive Engineer, Town Planning Department on 2<sup>nd</sup> April, 2026 at 11.00 am along with all necessary documents. In the

meantime, it is open for the Petitioner to apply for the occupation certificate. If such application is made, the same shall be considered in accordance with law. The Petitioner shall produce all the documents showing authorisation of the structure for consideration of the Executive Engineer. The Executive Engineer after hearing the Petitioner and after considering the documents submitted, shall pass necessary orders on the notice issued in accordance with law.

7. Application to be decided as expeditiously as possible in accordance with law by the Executive Engineer or Competent Authority as directed by the Executive Engineer. All contentions of the parties are kept open.

8. Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(M. S. KARNIK, J.)