

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2880 OF 2026
IN
WRIT PETITION NO.4032 OF 2026

Kalpana Jagdish Pande and others ... Applicants / Petitioners

Vs.

State of Maharashtra through Secretary,
Urban Development Department & ors.... Respondents

Mr. Anil Ahuja for Applicants / Petitioners.

Ms. M. S. Bane, AGP for Respondent Nos.1 to 3-State.

Ms. Chaitrali Deshmukh for Respondent Nos.4 and 5.

Mr. Amit S. (through VC) for Intervenor.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : JUNE 16, 2026

P.C. :

. Heard Mr. Ahuja, learned counsel for the applicants, Ms. Bane learned AGP for the respondent State authorities and Ms. Deshmukh, learned counsel appearing for the respondent municipal corporation.

2. By this application, the applicants (petitioners) are pressing for a direction to maintain *status-quo* in respect of a subject property, which has been acquired by the respondent authorities.

3. The acquisition has been undertaken for development of a *chowk* (improvement of square) in the run up to the Kumbh Mela, which is to start from August 2026.

4. The learned counsel for the petitioners is at pains to point out that, in the present case, in the absence of a notification under Section 11,

issuance of notification directly under Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013) completely vitiates the acquisition proceeding and on this sole ground, the acquisition and the consequent award deserve to be set aside.

5. It is submitted that the stand taken by the municipal corporation on affidavit as regards alleged reservation for road in the development plan is in the teeth of the stand taken by the Assistant Director of Town Planning in a communication dated 28.08.2025, copy of which is filed along with the writ petition. It is further submitted that the development plan for the year 1993 could not have been treated as notification under Section 11 of the Act of 2013, simply for the reason that at that point in time, the Act of 2013 had not even come into being. It is also submitted that in the face of such strong *prima facie* case made out by the applicants (petitioners), this Court ought to direct *status-quo* to be maintained during the pendency of the writ petition.

6. The learned AGP as well as the learned counsel appearing for the respondent municipal corporation have vehemently opposed the prayer for *status-quo* made on behalf of the applicants. It is submitted that the documents filed along with the reply affidavits clearly indicate that the acquisition is for the public purpose and there is a measure of urgency in the matter as the square needs to be developed so as to ensure smooth passage of huge number of devotees likely to visit Nashik and particularly, the area where the subject property is located during the said Kumbh Mela. It is submitted that the respondent municipal corporation asserts that as per the development plan, there is a reservation for road at the place where the subject property is located and therefore, there is no defect in the acquisition proceeding as claimed by the applicants.

7. We have considered the rival submissions. Considering the documents on record, the contentions raised on behalf of the applicants indeed deserve consideration when the writ petition is taken up for hearing and disposal. But, this Court cannot be oblivious of the fact that the acquisition of the subject property has been undertaken for a public purpose, which indeed has a measure of urgency. The respondent authorities intend to clear the square so as to ensure smooth passage of devotees at the time of Kumbh Mela. This is a measure undertaken to obviate any untoward incident of stampede or otherwise, which may occur when large number of devotees converge upon the city of Nashik during the Kumbh Mela. The public purpose appears to be obvious. This is also not a case where the applicants have been singled out for discriminatory treatment as acquisition of adjoining properties has also been undertaken for the aforesaid public purpose.

8. Even though the contentions raised on behalf of the applicants by relying upon the provisions of the Act of 2013 may merit consideration, we are of the opinion that in the light of the public purpose for which the respondent authorities, including the Nashik Municipal Corporation are proceeding in the matter, a direction of *status-quo* is not justified. It would be against public interest to issue such a direction.

9. It is also to be noted that the property of the applicants was demolished prior to the writ petition being taken up for consideration on 30.03.2026. The further action proposed to be undertaken by the municipal corporation is only for clearing up and developing the square. There is no structure intended to be constructed at the place where the structure of the petitioner was existing.

10. On an overall consideration of the relevant factors, we are of the opinion that the prayer for *status-quo* made on behalf of the applicants cannot be granted.

11. Accordingly, the application is dismissed. At this stage, the learned counsel for the applicants (petitioners) submits that a rejoinder affidavit in response to the reply affidavits filed by the respondent authorities, is ready for filing. The same shall be placed on record within a week from today.

12. Since the pleadings would be complete, the petition itself can be taken up for consideration and disposal at the earliest possible.

13. In view of the above, list the petition for further hearing on 13.07.2026, High on Board.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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