



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3908 OF 2024

Mr. Subhashchandra s/o Jwalaprasad Jham
Vs.

State of Maharashtra, Thru. Its Secretary, Urban Development Department, Mantralaya,
Mumbai and Ors

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Tejal Agre, Advocate h/f Mr. S.P. Bhandarkar, Advocate for
petitioner.
Ms. T.H. Khan, AGP for respondent/State.
Mr. P.S. Tiwari, Advocate for respondent Nos.2 & 3.
Mrs. Anvita A. Pande, Advocate for respondent No.4.
Mr. H.R. Gadhia, Advocate for respondent Nos.6 to
15/Intervenor.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 29.01.2026

The petitioner in this petition has made
following prayers:

*“(i) issue a writ of mandamus or any other Writ
directing the respondents no.1 to 3 to act as per S.96
and 97 of the Nagpur Improvement Trust, 1936, and
remove the illegal structure i.e. wall erected over the
public street in furtherance of the Notice dtd.
07.07.2023. (Annexure -A5)*

*(ii) issue a writ of mandamus or any other Writ
directing the respondents no.5 to provide required
assistance/aid to the Respondent no.1 to 3, for the*

removal of the said illegal structure i.e. wall erected over the Public Street.

(iii) grant any other appropriate relief, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. It is apparent from the prayer clauses that the petitioner is seeking action in view of notice issued by Nagpur Improvement Trust, dated 07.07.2023.

3. Learned counsel for respondent No.4 has pointed out that the said notice is the subject matter of challenge in the Regular Civil Suit No.251/2024. It is also pointed out that earlier temporary injunction was granted.

4. Considering the above referred facts, even if said temporary injunction was vacated, at this stage, we do not want to interfere with this petition as the order, if any passed, in this petition may cause prejudice to the respondent No.4 in the pending suit. Accordingly, the petition is disposed of.

5. The petitioner is at liberty to pursue his prayers before the competent authorities or to get impleaded in the suit as defendant, if so desires.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)