



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5569 OF 2024

Dr. Rajesh Shridharrao Jawade

.Vs.

Amravati Municipal Corporation, Amravati and others

.....
Ms Gauri Vekatraman, Adv. a/w Mr Mayur Mainde, Advocates for the
petitioner

Mr R. D. Dharmadhikari, Advocate for respondent Nos. 1 and 2

Mr. J. J. Chandurkar, Advocate for respondent Nos. 3 and 4
.....

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

DATED : 18th FEBRUARY, 2026.

P.C.

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

3. In the present writ petition, two communications dated 30.05.2024, issued by the respondent No.2-Assistant Director Town Planning, Municipal Corporation, Amravati as well as the order dated 21.06.2024, are under challenge.

4. Vide communication dated 30.05.2024, respondent No. 2-Assistant Director, Amravati directed the petitioner to stop the construction. By a separate communication of the same date, respondent No. 2 informed the petitioner that, despite the letter issued to stop the

construction, he continued with the same and, accordingly, directed him to remove certain construction.

5. There is another order dated 28.05.2024, which is under challenge, whereby a stay on the construction was granted without affording the petitioner an opportunity of hearing. Further, the subsequent order dated 21.06.2024, which is impugned in the present petition, directs the parties to undertake a joint measurement and place the report on record, upon which a final decision would be taken regarding the dispute between the petitioner and respondent Nos.3 & 4.

6. Admittedly, the construction in question is being carried out on a private land. A dispute regarding ingress and egress over the said land is pending between the petitioner and respondent Nos. 3 and 4 before the competent Civil Court. The application for injunction filed by respondent Nos. 3 and 4 seeking to restrain the petitioner from carrying out construction in question has already been rejected by the Civil Court.

7. We are surprised to note that in a private dispute, the Corporation has intervened and passed certain orders. The learned counsel for the Corporation has failed to point out any statutory provision conferring powers on the corporation to enter into the private property and stay the ongoing construction merely on the basis of a complaint received from a private individual.

8. It is not the case of the Corporation that the construction, which is being carried out by the petitioner, is contrary to the sanctioned plan and further, it is not the reason stated in any of the communications impugned in the present writ petition. Therefore, according to us, all these communications and orders are without jurisdiction. Accordingly, we pass the following order :

- i) The writ petition is allowed.
- ii} The communication dated 30.05.2024 bearing O.W. No. 201 of 2024, communication dated 30.05.2024 bearing O.W. No.221 of 2024, order dated 28.05.2024, granting stay to the construction behind the back of the petitioner and order dated 21.06.2024, directing the parties to carry out the joint measurement to enable the respondent authority to pass the final order are hereby quashed and set aside.

The writ petition is **disposed of** accordingly.

Rule is made absolute. No order as to costs.
Pending applications, if any, also stand disposed of.

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]