



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

**CIVIL APPLICATION (CAW) NO.777/2026 IN**  
**WRIT PETITION NO.7236/2024**

Pushpa Sanjay Gupta .Vs. State of Maharashtra and Ors.

---

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

---

Mr. Anil Mardikar, Senior Advocate Assisted by Mr. A. V. Khare,  
Advocate for petitioner.  
Mr. A. B. Badar, A.G.P for respondent Nos. 1 and 4.  
Mr. S. M. Puranik, Advocate for respondent No.2.  
Ms Kiran M. Israni, Advocate instructed by Mr. Rohan Chhabra,  
Advocate for respondent No.3.  
Mr. S. D. Chande, Advocate for respondent Nos. 5 to 11.

**CORAM : ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.**  
**DATE : MARCH 30, 2026.**

Challenge is to notice dated 24.03.2026 issued by  
respondent No.2 – Nagpur Improvement Trust to one Mr. Shamrao  
Durgaji Bhanghe and others.

2. Counsel for applicant submits that Shamrao has expired  
long back. He further submits that others are not known and,  
therefore, notice cannot be given effect to.

3. Since death certificate of Shamrao is annexed with the  
application, respondent No.2-NIT is not disputing the status of death  
of Shamrao. Counsel for NIT submits that fresh notice will be issued  
to respondent No.2, in accordance with law, if necessary.

4. The application is accordingly allowed. Impugned notice  
is quashed and set aside.

5. The application is disposed of.

**WRIT PETITION NO.7236/2024**

Heard.

2. Prayer is to direct respondent Nos. 1 to 4, especially NIT to  
demolish unauthorised construction and remove illegal

encroachments like meat/chicken shops/slaughter house etc. over the Government land and the land belonging to the petitioner.

3. Mr. S. M. Puranik, learned counsel appearing for respondent No.2 makes a statement that the encroachments made on lands belonging to the NIT will be removed within three weeks from today. Statement is accepted.

4. So far as encroachment on petitioner's land is concerned, we grant liberty to the petitioner to move appropriate forum for redressal of his grievance.

5. Mr. S. D. Chande, learned counsel for respondent Nos. 5 to 11 submits that they are in possession of the property since last 40 years. We accordingly inquired with the counsel and asked him to place before us any document showing their title over the property. However, instead of showing any document of title, learned counsel invited our attention to a decree passed in Regular Civil Suit No. 177/1975. The plaintiffs therein are said to be ancestors of these respondents, which fact is not verifiable from the material placed before us.

6. We have gone through the decree to find that the plaintiffs therein were permitted to recover possession of suit land, which as such is not described to ascertain whether the land under question is the same. What appears from the decree is that the plaintiffs therein were dispossessed and suit was brought immediately after dispossession and accordingly the Trial Court held the plaintiffs entitled for recovery of possession.

7. At this stage, counsel for petitioner submits that the decree which the respondents' counsel referred to is, in fact, a decree passed in a suit filed by Sarvodaya Gruha Nirman Society in Special Civil Suit No.285/1975. He seeks time to place on record copy of the decree. Granted.

8. Thus, in a way, it is suggested that respondent Nos. 5 to 11 have relied upon a forged document, which we will consider in due

course but what is relevant is that the petitioner seeks direction against respondent Nos.1 to 4, more particularly respondent No.2-NIT to demolish/remove unauthorised encroachment/illegal structures. Mr. Puranik, learned counsel for respondent No.2-NIT, has made a statement that action for removal will be taken within three weeks from today. The NIT shall proceed to take action of removal of encroachment/unauthorised structures. So far as the petitioner is concerned, he may pursue the remedy before appropriate forum.

9. List for further consideration on 02.04.2026, on the point of documents relied upon by respondent Nos. 5 to 11.

(JUDGE)

(JUDGE)

Kahale