



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

WRIT PETITION NO. 1636 of 2026

Devendra Jiran Prasad and others

vs.

State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A. D. Sonak, Advocate for petitioners.

Mr. S. M. Ukey, Addl. Government Pleader for respondents/State.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 23rd FEBRUARY, 2026.

Heard Shri Sonak, the learned counsel for the petitioners.

2. The petitioners have approached this Court seeking challenge to the impugned notices dated 16.02.2026 which are at record page nos. 40-50- Annexure G collectively. The contention is that the petitioners have already submitted applications for regularization of their standing structures with the respondent nos. 3 and 4. Such applications are pending consideration. However, the respondent no.5- Assistant Commissioner, Dharampeth Zone-II, Nagpur Municipal Corporation, Nagpur, has issued the impugned notices thereby intimating that it can demolish the structures of the petitioners at any moment.

3. In view of aforesaid urgency, the petitioners have approached this Court. However, the fact remains that the issues involved in the present writ petition are disputed questions of fact and therefore appropriate remedy for the petitioners would be to approach the learned Civil Court for adjudication of their rights.

4. In view of above, Shri Sonak, the learned counsel for the petitioners, upon instructions, seeks permission to withdraw the present writ petition with liberty to approach the Civil Court by filing suit for declaration and permanent injunction.

5. Permission granted.

6. The writ petition is disposed of as withdrawn with liberty as prayed for.

7. The respondent no.5 is directed not to act upon the impugned notices which are at record page nos. 40-50-Annexure-G collectively, for a period of two weeks.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.