



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

WRIT PETITION NO. 1776 OF 2026

Vinayak Awadhutrao Jadhav

.Vs.

State of Maharashtra and others

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

Court's or Judge's orders.

Mr Akhil Mishra, Adv. a/b Mr Bhupesh Patel, Advocate for the petitioner/s
Ms T. H. Khan, AGP for respondent No.1/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATED : 27th FEBRUARY, 2026.

Heard learned counsel for the petitioner.

2. At the outset, the learned counsel for the petitioner seeks permission to correct the cause title regarding respondent Nos. 2 and 3. Permission is granted.

3. The corrections be carried out forthwith.

4. The petitioner seeks challenge to the impugned communication dated 05.02.2026, issued by respondent No.1 to the respondent No. 2. The said communication is on record at Page No. 45 (Annexure G).

5. The respondent No.1-Tahsildar, Barshitakali had called upon the report from the office of the respondent No.2 – Block Development Officer, Barshitakli, Distt. Akola. Such report has been called upon in compliance of the order dated 04.12.2025 passed by this Court (Coram : Anil S. Kilor and Rajnish R. Vyas, JJ.) in Writ Petition No. 7646 of 2025. However, perusal of the impugned communication dated

05.02.2026 reveals that the respondent No.1 has directed the respondent No.2 to demolish the construction as allegedly constructed by the petitioner unauthorizedly.

6. The learned counsel for the petitioner submits that the alleged construction is upon the land self owned by the petitioner. The petitioner, after receipt of the impugned communication dated 05.02.2026 has immediately approached the respondent No.2 and submitted his detailed explanation/representation on 18.02.2026, which is on record at Page 46 (Annexure H).

7. The contention is that the respondent No. 2 has informed the petitioner that the respondents would be carrying out the demolition in view of the order passed by this Court in Writ Petition No. 7646 of 2025.

8. Perusal of the order passed by this Court, on 04.12.2025, reveals that no such directions are given by this Court. The only direction that was given was to act upon the communication dated 09.09.2020, whereby a report was called regarding the alleged unauthorized construction and the consequent demolition. However, the order passed by this Court on 04.12.2025, was misinterpreted by the respondent No.1-Tahsildar, Barshitakali and has issued impugned communication dated 05.02.2026, on the basis of which respondent No.2 is seeking to demolish the construction of the present petitioner.

9. In view of the above, we direct the respondent No.1 to decide the explanation/representation submitted by the petitioner on 18.02.2026, which is on record at Page 46

(Annexure H), within a period of six weeks from the date of receipt of the order of this Court.

10. The petitioner undertakes to produce the copy of this order before respondent No.1 within a period of one week from today.

11. The respondent No.1 is directed to grant personal hearing to the petitioner so also to the respondent No. 4, while taking decision upon impugned communication dated 05.02.2026 and representation dated 18.02.2026.

12. The respondent Nos.1 and 2 are directed not to act upon impugned communication dated 05.02.2026 till the decision upon the aforesaid issued involved.

13. Needless to mention that, if the decision is adverse to the petitioner, the respondents shall not act upon impugned communication dated 05.02.2026 for a further period of one week for enabling the petitioner to avail the appropriate remedy, as available in law.

The writ petition stands **disposed of**, accordingly. No order as to costs. Pending applications, if any, also stand disposed of.

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]