



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

WRIT PETITION NO. 1878 OF 2026

NILKANTH GANPATRAO POPATE AND ANR.

Vs.

STATE OF MAHARASHTRA, THR. PRINCIPAL SECY. DEPARTMENT
OF URBAN DEVELOPMENT, MUMBAI 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. Ashutosh C. Dharmadhikari, Advocate for the Petitioner.
Mr. N. S. Rao, AGP for Respondent No.1/State.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATE : 4th MARCH, 2026.

1. Heard learned counsel for the petitioners.
2. The petitioners have approached before this Court seeking challenge to the order dated 21st June 2023, thereby granting permission to respondent Nos.3 and 4 for development of the lay out.
3. The perusal of the order reveals that the aforesaid order is passed by the competent authority under Section 45 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the said Act'). The aforesaid impugned order is appealable and can be challenged by the petitioners before the State Government in an appeal under Section 47 of the said Act.

4. Mr. A. C. Dharmadhikari, learned counsel for the petitioners upon instructions seeks permission to withdraw the present writ petition with liberty to avail the aforesaid remedy of statutory appeal under Section 47 of the said Act before the State Government.

5. Permission is granted.

6. Writ Petition is disposed of as withdrawn with liberty as prayed for.

7. Needless to mention that we have not observed anything on the merits of the matter. Since the petitioners have stated on oath in the present petition that they have recently come to know about the aforesaid impugned order dated 21st June 2023, the aforesaid reason shall be taken into consideration by respondent No.1- State of Maharashtra while considering the statutory appeal under Section 47 submitted by the petitioners. Respondent No.1 is further directed to decide the aforesaid appeal within a stipulated period of four months from the date of filing of the appeal. Respondent no.1 is also directed to consider and decide the interim application submitted by the petitioners, if any within stipulated period of three weeks from the date of filing of such application and service of notice to the

concerned and necessary parties.

8. Writ Petition is accordingly disposed of.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

MJ Jadhav