



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

WRIT PETITION NO. 2342 OF 2026

AKSHAT S/O RAJIV GARG

Vrs.

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

Shri K. S. Motwani, Advocate for petitioner.
Shri D. P. Thakare, Addl. G. P. for respondent No.1.

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

DATE : 23/03/2026

1. Heard Shri K. S. Motwani, learned counsel for the petitioner.
2. The petitioner seeks direction to the respondent No.1 to decide the appeal which is at record Page No.21 (Annexure-4). The aforesaid appeal was filed by the respondent No.5 on 19/12/2018. The aforesaid appeal was filed against the Chairman, NIT and the Divisional Officer, NIT. The petitioner who is not a party to the aforesaid proceedings approached this Court seeking direction for expeditious decision of the aforesaid appeal. However, since the petitioner is not a party to the aforesaid appeal, such request at the behest of petitioner cannot be entertained.
3. Shri Motwani, learned counsel for the petitioner has invited our attention to the complaint dated 06/09/2018 lodged by the petitioner against the alleged

illegal construction carried out by the respondent No.5. The petitioner and the respondent No.5 are the neighbours and are residents of Bungalow Nos.5 and 6 respectively in Sujata Gruha Nirman Housing Society. The contention is that the respondent No.5 after allotment has caused changes and made excess construction by encroaching the common passage. Therefore, the petitioner has lodged a complaint on 06/09/2018. On the basis of such complaint, respondent No.3 after spot verification and enquiry had issued notice under Section 53 of the Maharashtra Regional and Town Planning Act, 1966 (MRTP Act) to the respondent No.5.

4. The respondent No.5 immediately challenged the aforesaid notice under Section 53 of the MRTP Act to the respondent No.1 on 19/12/2018 in Appeal which is at record Page No.21 (Annexure-4). After December, 2018 till December, 2025 and thereafter, till today, the aforesaid appeal has not been decided by respondent No.1 and there is no action against the respondent No.5 in accordance with the notice under Section 53 of the MRTP Act.

5. In view of the above, petitioner has approached this Court. However, for the reason of locus, we are unable to entertain the aforesaid writ petition seeking expeditious disposal of the appeal filed by respondent No.5 against the respondent Nos.2 and 3. However, we grant liberty to the petitioner to file appropriate application before the respondent No.1 in the

aforesaid appeal filed by the respondent No.5 for addition of parties in the aforesaid appeal and for further appropriate direction regarding expeditious disposal of the aforesaid appeal.

6. The aforesaid liberty granted to the petitioner redress the grievance of the petitioner. Accordingly, writ petition is disposed of.

[JUDGE]

[JUDGE]

Choulwar