



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

WRIT PETITION NO. 2353 OF 2026

Vasantraj Surajprasad Modh
Vs.
Nagpur Municipal Corporation, Through its
Commissioner, Nagpur 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. Zeeshan Z. Haq, Advocate for the Petitioner.
Mr. J. B. Kasat, Advocate for the Respondent-NMC.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATE : 18th MARCH, 2026.

1. Heard Mr. Haq, the learned counsel for the petitioner and Mr. Kasat, the learned counsel appearing for the respondent-NMC.
2. The contention is that the respondent no.3- Nagpur Municipal Corporation has issued the impugned notice dated 11.03.2026. By virtue of the said notice, the respondent no.3 has directed the petitioner to immediately remove the alleged encroachment upon the conservancy lane within a period of 24 hours from the date of receipt of the notice otherwise the aforesaid encroachment shall be removed by the Corporation as per the law. The aforesaid notice dated 11.03.2026 is

challenged by the petitioner before this Court.

3. Mr. Haq, the learned counsel for the petitioner submits that the aforesaid conservancy lane is used by the petitioner on the basis of the lease deed dated 03.01.2025 which is at record page No.36. While we are on the aforesaid lease, Mr. Kasat, the learned counsel for the respondent-Corporation draws our attention to Clause (d) of Para 1 of the aforesaid lease deed which is at record page No.38 and directs the petitioner that the aforesaid lane shall be strictly open space or open courtyard or for garden/parking purposes only and the petitioner has constructed vertical wall.

4. Shri Haq, the learned counsel, disputes the aforesaid position.

5. In view of above, we dispose of the present writ petition with a direction to the respondent no.2- Assistant Commissioner, Gandhi Bagh Zone No.6, Mahal, Nagpur, to conduct joint inspection of the site in question in the presence of the petitioner and after verifying the documents and submissions made by the petitioner regarding construction in question in the impugned notice. After hearing the petitioner

and verifying the documents submitted by the petitioner and after conducting the joint inspection report, respondent No.2 shall pass a detailed and reasoned order on or before 24th March 2026.

6. The copy of the aforesaid order shall be supplied to the petitioner within a period of 24 hours from the date of such decision. If the order is adverse to the interest of the petitioner, the action as proposed in the impugned notice dated 11.03.2026 shall not be taken to its logical end or acted upon by the respondents for another period of 48 hours from the date and time of service of such adverse order upon the petitioner, so as to enable him to challenge the said order by seeking appropriate remedy available in law.

7. With these observations and directions, the Writ Petition stands disposed of. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)