



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

WRIT PETITION NO.2724 OF 2026

Ramesh S/o Shankar Sonone, Tah. Malkapur, Dist. Buldhana

vs.

The Municipal Council, Malkapur, Thr. Chief Officer and ors.

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

Court's or Judge's orders

Shri N. B. Kalwaghe, Advocate for petitioner.

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

DATED : 6th April, 2026

Heard Shri N. B. Kalwaghe, learned counsel for the petitioner.

2. The petitioner is the owner and in possession of plot Nos.2, 3 and 4 within the limits of Municipal Council, Malkapur. It is alleged that respondent Nos.2 and 3 who are the neighbours of the petitioner have carried out unauthorised and illegal construction on their plots so also on the public utility area. Hence, the petitioner has time and again submitted written complaints to the respondent No.1-Municipal Council, Malkapur. Such complaints are being made since 01/07/2024 and are on record.

3. Shri Kalwaghe, learned counsel submits that acting upon such complaints, various notices were issued by the respondent No.1 and finally the notice under Sections 52 and 53 of the Maharashtra Regional and Town Planning Act, 1966 was issued on 15/01/2026 thereby calling upon the respondent Nos.2 and 3 to demolish the unauthorised construction carried out by them. Notice dated 15/01/2026 is at record page 36, Annexure-M.

4. It is submitted that though such notice was issued on 15/01/2026 and the period contemplated in the said notice for

demolition of the construction in question was only of one month from issuance of notice, no further action has been initiated by the respondent No.1.

5. In view of the above, we dispose of the present writ petition with the direction to the respondent No.1-Chief Officer, Municipal Council, Malkapur, to take notice dated 15/01/2026 issued to the respondent Nos.2 and 3 to its logical end in accordance with law and on its own merit.

6. Respondent No.1 is directed to grant opportunity of hearing to the petitioner so also the respondent Nos.2 and 3 before arriving at such decision. The decision taken thereupon shall be communicated to the parties within a period of two weeks from the date of decision.

7. No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)