



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

WRIT PETITION NO.2931 OF 2026

[Dr. Rajesh S/o Shridharrao Jawade **Vs.** Amravati Municipal Corporation, Amravti, through its
Commissioner, Amravati and others]

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

Court's or Judge's order

Mrs. Gauri Venkatraman, Counsel for Petitioner.
Shri J.B. Kasat, Counsel for Respondent Nos.1 to 3.

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

DATE : 9th APRIL, 2026.

1. Heard.
2. The petitioner seeks to challenge the impugned communications dated 1st April, 2026 and 7th April, 2026 issued by the respondent-Municipal Corporation. By these communications, the respondent-Corporation has directed the petitioner to remove the entire construction material from the way in question immediately. Such communication was issued on 1st April, 2026. However, since the petitioner has not removed the material, the respondent-Corporation has issued another communication dated 7th April, 2026 to the petitioner, thereby informing that on 9th April, 2026 at 11.30 a.m. the officials of the Corporation have been directed to remove the entire construction material of the petitioner from the way in question.
3. Mrs. Gauri Venkatraman, learned counsel for the petitioner, makes a categorical statement that the plot in question where the construction material is lying is owned by the petitioner. She contends that the respondent-Corporation has no authority to issue such communications dated 1st April, 2026 and 7th April, 2026. She invites the attention of this Court to the order passed by this Court in Writ Petition No.5569 of 2024 on 18th February, 2026 between the same parties, where this Court emphatically held that the Corporation has failed to point out any

statutory provision conferring powers on the Corporation to enter into the private property and stay the ongoing construction merely on the basis of a complaint received from a private individual.

4. In view of above, issue notice before admission to the respondents, returnable on 16th April, 2026.

5. Shri J.B. Kasat, learned counsel, waives service of notice on behalf of the respondent Nos.1 to 3.

6. In the meanwhile, the respondent-Corporation is directed not to act upon the impugned notices dated 1st April, 2026 and 7th April, 2026.

7. The respondent-Corporation is also hereby put to notice to explain as to why the costs should not be imposed upon the Corporation for repeating similar erroneous action, which was strongly deprecated by this Court in the earlier round of litigation in Writ Petition No.5569 of 2024 between the same parties.

8. The respondent-Corporation on earlier occasion had also failed to explain the Court the authority in law for entering into the private dispute between the same parties and initiating the similar action at the behest of the private complaint.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)