



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

WRIT PETITION NO. 3722 OF 2026

Nandkishor s/o Ramchandra Khurana and others

Vs.

Nagpur Municipal Corporation, Thr.
Commissioner, Nagpur and others

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

Court's or Judge's orders.

Mr. Shashank M. Agrawal, Advocate for the Petitioners.

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

DATE : 4th MAY, 2026.

1. Heard learned counsel for the petitioners.
2. The contention is that on the complaint lodged by the petitioners against respondent No.3, respondent No.1- Nagpur Municipal Corporation had initiated proceedings under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966, a notice was issued to respondent No.3 and after hearing the necessary parties and considering the arguments advanced and the documents perused, the respondent No.2- Assistant Commissioner, Nagpur Municipal Corporation, Lakadganj Zone No.8, Nagpur had passed the order dated 16.02.2026, thereby reaching to the conclusion that respondent No.3 has constructed unauthorized construction as mentioned in the notice under Section 53(1) of the aforesaid Act.

3. Respondent No.2 had directed the respondent No.3 to remove such unauthorized construction within a period of 15 days from the date of the order i.e., 16.02.2026.

4. The aforesaid order also pointed out that if such construction is not removed within a period of 15 days from the service of the order dated 16.02.2026, respondent No.2 shall take necessary steps to demolish such unauthorized construction.

5. Learned counsel for the petitioners submits that the aforesaid order dated 16.02.2026 was duly served upon respondent No.3; however, even after passage of more than two months, respondent No. 3 has neither demolished the aforesaid unauthorized construction as directed by respondent No. 2 vide order dated 16.02.2026, nor have the respondent authorities, more particularly respondent Nos. 1 and 2, taken necessary steps to give effect to their own order till date. Hence, this petition.

6. Perusal of the present petition reveals that the petitioners after a passage of the stipulated period of 15 days has pointed out, the aforesaid non compliance to respondent No.1 vide representation dated 11.03.2026, 02.04.2026, 06.04.2026 and 15.04.2026. However, in spite of such repeated representations by the petitioners, the respondents authorities have failed to act upon the aforesaid representations and more specifically their own order dated 16.02.2026.

7. In view of the above, we dispose of the present writ petition with a direction to respondent No.2 to decide the aforesaid representations and take the aforesaid order dated 16.02.2026 to its logical end. In fact this Court was about to call upon the respondents- authorities to explain such non compliance of the statutory provisions and the order dated 16.02.2026 at the behest of respondent Nos.1 and 2. However, at this stage, we refrain from issuing such show cause notice to the respondents and deem it appropriate to grant one opportunity to the respondents to comply with the aforesaid order dated 16.02.2026 and to perform their statutory duties, if there is no other legal impediment in doing so.

8. In view of the above, we dispose of the present writ petition with the aforesaid directions to respondent Nos. 1 and 2 to decide the aforesaid representation within a stipulated period of six weeks from the date of production of order of this Court.

9. The decision taken thereupon shall be communicated to the petitioners within a period of two weeks from the date of such decision.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)