



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

WRIT PETITION NO.8454 OF 2025

Masjid, Idgah and Kabrasthan Trust, Pardi, Bhandewadi, Bhandara Road, Nagpur Thr.

President, Rahup Karim Shaikh, Nagpur

vs.

The State of Maharashtra, Thr. Secretary, Urban Development Dept. Mantralaya, Mumbai 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 Mohammad Ateeque, Advocate for petitioner.

Shri H. D. Marathe, Assistant Government Pleader for respondent Nos.1 and 2.

Shri J. B. Kasat, Advocate for respondent No.3.

Shri S. K. Mishra, Senior Advocate a/by Shri Kabir Jhamb, Advocate for respondent
No.4/applicant (CAW/815/2026).

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

DATED : 22nd April, 2026

Civil Application No.815/2026

Heard Shri S. K. Mishra, learned Senior Counsel a/by Shri Kabir Jhamb, learned counsel for applicant/respondent No.4.

2. The respondent No.4 has filed this application seeking modification of the status quo order dated 29/12/2025 and permission to use the land bearing City Survey No.1031, Moza Bhandewadi, Nagpur.

3. The learned counsel for respondent No.4 submits that copy of the present application is duly served upon the learned counsel for the petitioner.

4. This Court on 29/12/2025 has passed the interim order directing to comply with the order of status quo passed by this Court in Writ Petition No.2874/2018. The learned counsel for the petitioner had invited attention of this Court to the interim dated 15/05/2018 passed by this Court in Writ Petition No.2874/2018 whereby this Court had directed the parties to maintain status quo with reference to City Survey No.1031 of Mouza Bhandewadi, on which a graveyard is

situated. The learned counsel for the petitioner on that day, had also made a statement that the aforesaid interim order passed in Writ Petition No.2874/2018 was operating till date and thus relying upon such interim order, present interim order was passed.

5. Shri S. K. Mishra, learned Senior Counsel tenders across the bar copy of the order dated 25/02/2026 passed by this Court disposing of the Writ Petition No.2874/2018.

6. In view of the aforesaid disposal of Writ Petition No.2874/2018, the interim order passed in that petition also stands merged in the disposal order.

7. As such, the learned Senior Counsel, for the reasons stated in the application, prays this Court to modify the interim order dated 29/12/2025. The respondent No.4 also undertakes that once the work is completed, the aforesaid land would be restored back to its original condition.

8. For the reasons stated, Civil Application is allowed in terms of prayer clause (b) which reads thus :

*(b) Modify the order dated 29.12.2025 to the limited extent of permitting Respondent No.4, its agents and contractors, to undertake temporary construction of an approach ramp on land bearing City Survey No.1031, Mouza Bhandewadi, Nagpur (35.0 *2.2 m), solely for facilitating movement of workers and machinery for execution of the Metro project, subject to restoration of the land to its original condition upon completion of the work.*

9. Civil Application is disposed of.

Writ Petition No.8454/2025

10. List on 23/06/2026.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)