

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.6616 OF 2024

Dr. Krishna Bhaskar Nimsakhare and others ... Petitioners

**Vs.**

State of Maharashtra through its Principal Secretary  
Urban Development and others ... Respondents

Mr. V. A. Gangal a/w. Ms. Shweta Parab for Petitioners.

Mr. Kedar B. Dighe, Addl. GP a/w. Ms. M. S. Bane, AGP for Respondent-State.

Mr. Dinesh Adsule a/w. Mr. Chinmay Bhole for Respondent No.4.

**CORAM : MANISH PITALE &  
SHREERAM V. SHIRSAT, JJ.**

**DATE : JANUARY 06, 2026**

**P.C. :**

. On 03.04.2025, a Division Bench of this Court (Coram: M. S. Sonak and Jitendra Jain, JJ.) passed the following order:-

“1. Mr. Gangal, learned counsel for the petitioners states that all respondents have been privately served and necessary affidavit of service is also filed. Still, without prejudice, he states that process fees and copies will be provided to serve the respondent No.4.

2. Mr. Dighe appears for respondent No.1 to 3. If respondent Nos.1 to 3 wish to file any reply, they should file and serve such reply latest by 02 May 2025. Similarly, if the respondent No.4 wishes to file any reply, the same should be filed and served by 02 May 2025. Rejoinder, if any, to be filed by 09 May 2025.

3. List the matter on 12 June 2025.

4. Mr. Gangal states that the road has been constructed by the respondents through the petitioners property without following the due process. He states that no compensation has been paid to the petitioners till date.

5. Considering the allegations made, we think that it is important that the Respondents file their responses within the timelines now indicated by us. If no replies are filed, we shall proceed with the hearing of the petition, *inter alia* based, on the

averments in the petition and the documents accompanying the petition.”

2. A perusal of the above-quoted order shows that the petition was to be heard even in the absence of reply affidavits by the respondents, particularly respondent No.4.

3. Today when the petition is called out for hearing and the learned counsel for the petitioner has pressed for reliefs, Mr. Adsule, learned counsel has appeared for respondent No.4 and he again seeks time to file reply affidavit.

4. *Prima facie*, we find that the respondent No.4 is trying to avoid this Court and it has failed to respond as well as to file appropriate reply affidavit to the specific contentions raised in the writ petition.

5. It would be appropriate that the Chief Officer of respondent No.4 Municipal Council remains present in this Court on the next date of hearing.

6. In view of the above, list this petition for further consideration on 22.01.2026, High on Board.

7. The Chief Officer of Kulgaon Badlapur Municipal Council i.e. respondent No.4 shall remain personally present in this Court on the next date of listing.

8. In the meanwhile, the said respondent is at liberty to file the reply affidavit.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**