

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

WRIT PETITION NO. 3488 OF 2021

(Rajesh s/o Sheshnath Upadhyay Vs. Nagpur Metropolitan Regional Development Authority, through its
Commissioner & Ors.)

WITH WRIT PETITION NO. 3509 OF 2019

(Dilip s/o Laxmanrao Pitale Vs. Assistant Engineer (West), Nagpur Metropolitan Regional Development
Authority Ors.)

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

Court's or Judge's order

Shri N.R. Kanungo, Advocate for the petitioner in WP 3488/2021 and for respondent no.2 in WP 3509/2019.

Dr. R.S. Sundaram, Advocate for respondent no.3 in WP 3488/2021 and for the petitioner in WP 3509/2019.

Shri G.A. Kunte, Advocate for respondent nos. 1 and 2 in WP 3488/2021 and for respondent nos. 1 and 3 in WP 3509/2019.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : AUGUST 4, 2023

In both these Writ Petitions, the issue that arises is with regard to the constructions undertaken on Plot No. 294, Lokmanya Nagar, Hingna Road, Nagpur. In Writ Petition No. 3488/2021, the notices issued by respondent no.1 are under challenge. One of the contentions raised is that since the application for regularization is pending, the action contemplated by the notices should not be carried forward.

2] In Writ Petition No. 3509/2019, the petitioner who is the resident of Plot No. 293 has objected to the aforesaid construction on Plot No. 294. The said petitioner seeks implementation of those notices issued by respondent no.1.

3] The petitioner in Writ Petition No. 3488/2021 has moved Civil Application No. 1295/2021 praying that the application for regularization sent by post on 24/1/2020 be permitted to be brought on record. The learned Counsel for respondent no.1 however submits that the said application is not in the prescribed format and if any regularization is sought, it would be necessary for the petitioner to make an application in the prescribed format.

4] Considering the nature of dispute that has arisen, we deem it appropriate to permit the petitioner in Writ Petition No. 3488/2021 to make a fresh application for regularization in the prescribed format. After receiving such

application, respondent no.1 shall adjudicate that application in accordance with the prescribed procedure and also by giving due opportunity of hearing to the petitioner in Writ Petition No. 3509/2019. The decision taken on the said application be thereafter placed on record.

5] To enable the aforesaid exercise to be undertaken for the present stand over eight weeks.

(JUDGE)

(JUDGE)

SUMIT