



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

CRIMINAL WRIT PETITION NO. 391 OF 2026

[Mrs. Sujata W/o. Ritesh Nagdeve **vs.** Sub Divisional Officer, Nagpur City, Nagpur and ors.]

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

Court's or Judge's orders

Mr. K. Y. Mandpe, Advocate h/f Mr. Y. B. Mandpe, Advocate for the
petitioner
Mr. S. S. Hulke, APP for the State

CORAM: RAJ D. WAKODE, J.

DATED : 27-05-2026

Heard Mr. K. Y. Mandpe, learned counsel for
the petitioner.

2. Petitioner – wife has approached this Court in
an emergent situation seeking challenge to the execution
of the order dated 6-5-2026 passed by respondent no. 1 –
Sub Divisional Officer, Nagpur City, Nagpur in proposal
submitted by respondent no. 2 Police Sub-Inspector,
Police Station, Ranapratapnagar, Nagpur bearing Case
No. 1/2026.

3. By virtue of aforesaid order passed under
Section 164 of the Bharatiya Nagarik Suraksha Sanhita,
2023, respondent no. 1 has directed the handing over of
the possession of Flat No. 101, Abhijit Mansion, Shastri
Layout, Nagpur to respondent nos. 3 to 5.

4. The petitioner has made a categorical statement
that the petitioner – wife has been residing in the aforesaid
flat with her minor daughter, who is 3 years old. A
matrimonial dispute is pending between the petitioner and

respondent no. 4 – her husband. Since the aforesaid order was passed on 6-5-2026, the petitioner, apprehending eviction, has immediately challenged the aforesaid order in Revision Application No. 111/2026 filed before 9th District and Sessions Judge, Nagpur on 18-5-2026. Copy of the revision application is placed on record as Annexure B at page no. 18. Learned revisional court issued notice to the non-applicants and made it returnable on 11-6-2026.

5. Since there was no interim order passed, on 21-5-2026, respondent no. 1 issued a communication to respondent no. 2 – police station to evict the petitioner along with her daughter from the aforesaid flat on 26-5-2026. The petitioner, after receipt of such communication, approached the learned revisional court by filing application on 25-5-2026, seeking suspension of order dated 6-5-2026 so also the aforesaid notice dated 21-5-2026. The aforesaid application is on record of this petition at Annexure D, page no. 37.

6. Mr. K. Y. Mandpe, learned counsel for the petitioner has made a categorical statement that the learned revisional court has not passed any order on the aforesaid application and also fixed the aforesaid application for hearing on 11-6-2026.

7. Since the aforesaid notice specifically mentioned that the possession of the aforesaid flat will be taken on 26-5-2026, the petitioner has approached this Court by filing present petition on 26-5-2026.

8. In view of the aforesaid circumstances, I am of the considered opinion that the learned revisional court, considering the urgency in the matter, could have heard the aforesaid application for at least grant of interim relief since the respondents are already served. Failure to hear the petitioner on interim application may result in the petitioner losing her possession without there being adjudication.

9. In the aforesaid circumstances, I pass following order.

(i) Issue notice to the respondents, returnable on 15-6-2026.

(ii) Learned Additional Public Prosecutor waives notice for the respondent nos. 1 and 2.

(iii) In the meanwhile, learned 9th District and Sessions Judge, Nagpur is directed to decide the interim application filed by the petitioner on 25-5-2026, which is on record of this petition at Annexure D, page no. 37, on or before 11-6-2026 after hearing all the concerned parties. Till then, the order dated 6-5-2026 passed by respondent no. 1 – Sub Divisional Officer, Nagpur City, Nagpur is hereby stayed till the decision of the learned revisional court on the interim application as directed above.

(iv) It is made clear that the aforesaid interim order is being passed considering the emergent circumstances and failure on the part of learned

revisional court in deciding the interim application and this Court has not observed anything on the merits of the matter.

(v) Steno copy is granted.

(RAJ D. WAKODE, J.)

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