

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

WRIT PETITION NO. 4409 OF 2026

BIRDICHAND S/O BHIKAMCHAND BHARUT AND OTHERS

Vrs.

MUNICIPAL COUNCIL / NAGAR PARISHAD, DARWHA, DIST. YAVATMAL

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J. B. Kasat, Advocate for petitioners.

CORAM: RAJ D. WAKODE, J.

DATE : 29/05/2026

1. Heard Shri Kasat, learned counsel for the petitioners.
2. The petitioners have approached this Court being aggrieved by the impugned notice dated 19.05.2026 at Annexure-L issued by the respondent.
3. By virtue of the aforesaid impugned notice, which is at record Page 80 (Annexure-L), the respondent has directed the petitioners to remove the alleged encroachment upon the service road in Survey No.146.
4. Shri Kasat, learned counsel for the petitioners, has invited my attention to the N.A. Order dated 08.11.1982 passed by the Sub-Divisional Officer, Darwha, which is at record Page 22 (Annexure A).
5. The aforesaid N.A. Order is pertaining to Survey No.146 referred in the impugned orders and thus clearly substantiates that the aforesaid survey number was privately owned agricultural land. After the N.A. order

was passed, a layout was developed by the owner and it was duly sanctioned. In the sanctioned layout, there were Plot Nos. 1, 2 and 7 which are reflected in Page 26 (Annexure B), which were duly purchased by the petitioners by paying the consideration and executing the registered Sale Deeds. Such registered Sale Deeds are at record Page 27 (Annexure-C collectively).

6. In view of the above, Shri Kasat, learned counsel for the petitioners submits that the impugned notice dated 19.05.2026 issued by the respondent holding that the petitioners are the encroachers upon Survey No.146 is clearly unsustainable in the eyes of law.

7. In view of the above, issue notice to the respondent, returnable on 15.06.2026.

8. For the reasons stated above, in the meanwhile, the respondent is directed to maintain status quo regarding the construction of petitioners standing on Plot Nos.1, 2 and 7 situated in Survey No.146 till the returnable date.

[JUDGE]