

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

WRIT PETITION NO. 4756 OF 2026

Anand Fattesingh Zol & Ors. Vs. Municipal Council/Nagar Parishad, Darwha, thr.
its Chief Officer, Yavatmal

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

Court's or Judge's order

Mr. S.D. Chande, Advocate for the Petitioners.

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

DATE : 19.06.2026

Heard Mr. Chande, learned counsel for the petitioners.

2. The petitioners have approached this Court being aggrieved by the impugned notice dated 19.05.2026 at Annexure – G issued by the respondent.

3. By virtue of the aforesaid impugned notice, which is at record Page 56 (Annexure G), the respondent has directed the petitioners to remove the alleged encroachment upon the service road in Survey No.146.

4. Mr. Chande, 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.13, 15, 16 and 21 which

are reflected in Page 26 (Annexure B), which were duly purchased by the petitioners by paying the consideration and executing the registered gift deed. Such registered gift deed is at record Page 27 (Annexure-C).

6. In view of the above, Mr. Chande, 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 29.06.2026.

8. Petitioner(s) is/are permitted to serve the respondent(s) by private mode, in addition to regular mode of service and file an affidavit by next date, failing which the petitioner(s) shall deposit costs of Rupees Five Hundred with 'Public Welfare Account' bearing No.129712010001014, IFSC Code UBIN0812978 with Union Bank of India, Branch High Court, Civil Lines, Nagpur.

9. Office objection(s), if any, shall be removed before next date.

10. 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.13, 15, 16 and 21 situated in Survey No.146 till the returnable date.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)