



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

CRIMINAL PUBLIC INTEREST LITIGATION NO.06 OF 2025

[Dr. Lalit S/o Beniram Harode and others Vs. State of Maharashtra and others]

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

Court's or Judge's order

Shri Parth Malviya, Counsel for Petitioners.

Mrs. Sangita Jachak, Additional Public Prosecutor for Respondent Nos.1 to 5.

Shri J.B. Kasat, Counsel for Respondent No.6.

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

DATE : 18th JUNE, 2026.

1. Shri Kasat, learned counsel for the respondent No.6, submits that though the notices were issued under Section 53 of the Maharashtra Regional and Town Planning Act, 1966 by the respondent No.6-Nagpur Municipal Corporation in the year 2016, immediately the same were stayed by the State Government.
2. We are unable to understand how the State Government can entertain any proceedings contrary to the remedies provided under the Maharashtra Regional and Town Planning Act against the provisions under Section 53 of the said Act.
3. The State Government is directed to file an affidavit by 24th June, 2026 pointing out its power to entertain any proceedings under Section 53 of the Maharashtra Regional and Town Planning Act and under which authority such order of stay was granted. The State Government is at liberty to correct its mistake, if it has no power to pass such order in a matter of notice under Section 53 of the said Act. The State Government either to show the provision to entertain such proceedings or correct its mistake. Failure to do either of the things, this Court may take action against the erring officer, who has entertained such proceedings and passed such order.

4. Time to carry out the amendment by the petitioner is granted till 22nd June, 2026.
5. Place the matter on 24th June, 2026 for further consideration.
6. The learned Additional Public Prosecutor undertakes to communicate this order to the concerned officer.
7. Authenticated copy of this order be supplied to the learned Additional Public Prosecutor to act upon.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)