

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4125 OF 2016

Shri Madhukar Sitaram Sontakke and anr. .. Petitioners
Vs.
The State of Maharashtra .. Respondent

None for the Petitioners.

Mr.S.V.Marne, for Respondents No. 2 to 4.

Mr.B.B.Sharma, for Respondents No.5, 6 & 8.

Mr.A.A.Alaspurkar, AGP for Respondents No. 1 & 7 – State.

**CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.**

DATE : 06th SEPTEMBER, 2017

P.C. :

1. The petitioners have filed the present Petition praying for direction to the respondents No.2 to 8 to demolish the illegal construction carried out by respondents No. 9 to 11 on the property mentioned in the Petition.

2. Mr.Marne - learned Counsel appearing on behalf of respondents No. 2 to 4 has pointed out to us the order passed by the Division Bench of this Court dated 26/07/2017 in the Petition filed by respondent No. 11. From the perusal of the said order, it would

reveal that Division Bench of this Court protected the construction of the said respondent for a period of 8 weeks from the date of the order so as to enable him to avail alternate remedy of an Appeal.

3. In that view of the matter, we find the Petition can be disposed of by directing the respondents No.2 to 4 to proceed further with demolition which has found to be unauthorised after a period of 8 weeks expires from 26/07/2017 and in the event, the said respondents have not obtained any interim protection from the Appellate Authority.

(M.S.KARNIK, J.)

(B.R.GAVAI, J.)