

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4818 OF 2017

Dr.Sumedh Vinayak Anathpindika & Ors. ... Petitioners

V/s.

The Collector, Pune District & Ors. ... Respondents

- Mr.V.A. Sugdare for the Petitioners.
- Mr.Vikas Mali, AGP for the State.
- Mr.Mandar Somani with Mr.Sameer Khale i/b. MGK Legal for Respondent No.4.

**CORAM : NARESH H. PATIL &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 26th APRIL, 2017.

P.C. :

1] Learned counsel for the Petitioners states that the Petitioners are residing on the ground floor, first floor and second floor of the subject building. Notices dated 4th May, 2012 were issued by the Gram Panchayat, Keshavnagar based on the order dated 9th April, 2012 allegedly passed by the Hon'ble Minister of Rural Development under Sub-section 5(B) of Section 52 of the Maharashtra Village Panchayat Act, 1958 in respect of the illegal structure. Those notices came to be challenged in a group of Writ Petitions (Writ Petition Nos. 5215 of 2013, 6855 of 2012, 4296 of

2013 and 11555 of 2014). By the judgment and order dated 27th January, 2016 (Coram : A.S. Oka & C.V. Bhadang, JJ.), the petition(s) came to be rejected and the Court issued consequent directions.

2] Learned counsel appearing for the Petitioners submits that instead of demolishing the subject flats, the walls of the subject flats be punctured, so that overhead tanks on terrace of the building are not damaged and the Petitioners residing on the ground floor get sufficient protection.

3] Learned counsel appearing for Respondent No.4 submits that the order of the Court would be implemented.

4] In the facts of the case, we are not inclined to entertain the matter in exercise of our writ jurisdiction. There is no merit in the petition.

5] Writ Petition is dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[NARESH H. PATIL, J.]