

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION (STAMP) NO.27136 OF 2018**

Shahzadi Ramesh Kundanmal.] ... Petitioner

Versus

The Sub-Divisional Officer,]
Sub-Divisional Office, Alibaug, & Ors.] ... Respondents

Mr. Cyrus Ardeshir a/w Mr. Kunal Dwarkadas, Mr. Rahul Dwarkadas, Ms. Prachi Dhanani & Ms. Nikita Panse i/b Veritas Legal for Petitioner.

Ms. Reena Salunkhe, AGP for State.

**CORAM :- SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE :- SEPTEMBER 21, 2018

P. C. :-

Not on board. Upon production, taken on board.

2. Parties through their Counsel.

3. We find that the reliefs claimed in this petition may run contrary to the directions issued by this Court on 17th September 2018 in PIL No.107 of 2009.

4. Facing with the situation, the learned Counsel for the Petitioner submits that the Petitioner will file an application seeking intervention in the said PIL and he be permitted to withdraw this petition. He, however, submits that as the Respondents – authorities are proceeding to bulldoze the Petitioner's construction today itself, protection of at least 10 days be granted so that the Petitioner may seek appropriate relief in the said application in the PIL.

5. The learned AGP submits that no such protection be granted to the Petitioner as there is already an order passed in the said PIL. To this, the learned Counsel for the Petitioner made a categorical statement that in the said PIL, the Petitioner is not a party.

6. In the circumstances, in the interest of justice, we feel 10 days' protection from demolition of the structure needs to be granted. We order accordingly. The Petitioner to file appropriate application in the said PIL.

7. With the said observations, the petition is disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU KEMKAR, J.)