

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

**CIVIL APPLICATION NO.385 OF 2019
IN
WRIT PETITION NO.7885 OF 2010**

Shri.Sunil Mohan Balwadkar & Ors. ..Applicant

IN THE MATTER BETWEEN

Jayant Lunawat ..Petitioner

V/s.

The State of Maharashtra & Ors. ..Respondents

Mr.Meel Pungliya for the Applicant.

Mrs.M.P. Thakur, AGP, for the Respondent-State.

Mr.Nitesh Zimur i/b Mr.R.S. Khadapkar for Respondent Nos.2 to 5.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 15th FEBRUARY 2019

P.C.

1. Not on board. Taken on board.

2. The above Writ Petition was admitted by the Division Bench of this Court by order dated 07.05.2013 interim relief was also granted directing the respondent not to carry out demolition of any of the buildings or any existing structure (including structures

of the owners) on the property in question till the final disposal of the petition.

3. Despite above position it is contention of the petitioner that on 11.02.2019 demolition squad of the Corporation demolished the building wall and some of the structures of the building in question. He therefore, has approached this Court by filling the present Civil Application and seek a direction to the respondent No.2 not to carry out demolition standing on the subject land. He has also sought direction to the respondent No.2-Corporation to restore premises of the respondent Nos.6 to 15.

4. The learned counsel for the Corporation on instructions makes a statement that inadvertently, the contractor who was not aware of the interim order passed by this Court carried out demolition of the structure. However, he makes a statement that the Corporation will restore the said premises to the original position. He also make a statement that no further action of demolition will be taken by the Corporation till above petition is pending and interim relief in force. The said statement is accepted and the Civil Application is disposed off.

5. The learned counsel for the Corporation has placed on record copy of the letter dated 14.02.2019 issued by Deputy Engineer, Pune Mahanagar Palika where assurance is given to the respondent Nos.6 to 15 that demolished premises would be restored to its original position and no further demolition shall be carried out during the operation of the interim relief. The same is taken on record.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)