

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

WRIT PETITION NO. 10063 OF 2017

Mr. Prakash Govind Savairam

...PETITIONER

V/S

The State Of Maharashtra & Ors.

...RESPONDENTS

Mr. P. U. Tiwari for the Petitioner.

Mr. Akshay Shinde for the Respondent Nos. 3 & 4

Mr. A. I. Patel, Addl. GP for the Respondent-State.

**CORAM : A. A. SAYED &
ABHAY AHUJA, JJ**

DATED : 16th DECEMBER, 2021

P.C.:

The Petitioner made a grievance in respect of the unauthorized construction of a temple situated at Inchalkaranji, Bhagyashri Colony, Inchalkarnji, District – Kolhapur.

2. Learned Counsel for the Respondent-Corporation states that the Petitioner himself has made encroachment on open space which is compulsorily to be kept open.

3. We record the statement of learned Counsel for the Respondent-Corporation that within 4 weeks from today they will survey the site including that of the Petitioner and Respondent No. 6 and take appropriate action expeditiously and in accordance

with law.

4. We make it clear that unless there is any order granting stay to any action being taken by the Respondent-Corporation in the suit, which is stated to have been filed by the Respondent No. 6, there would be no impediment in the Respondent-Corporation proceeding with the earlier Notice/s and further Notice/s, if any, which Notices shall be taken to its logical conclusion including the action of demolition.

5. In light of the above, and accepting the statement of learned Counsel for the Respondent-Corporation, we dispose of the Petition.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)