

ISM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 6140 OF 2022**

SADASHIV ATMARAM MALI AND ORS

....PETITIONERS

V/s.

**STATE OF MAHARASHTRA THR. GP
AND ORS**

.....RESPONDENTS

**Mr. Vijendra K. Rai a/w Iram Sayed & Priti Jaiswal Advocate for the
Petitioners**

Ms. Kavita Solunke AGP for the State

**CORAM : NITIN W. SAMBRE &
ANIL L. PANSARE, JJ.**

**DATE: MAY 17, 2022.
(VACATION COURT)**

P.C.:

1) Heard Mr. Vijendra Rai, counsel for Petitioners and Mr. Solunke for Respondent State.

2) Challenge in the Petition is to the communication dated 29/04/2022 issued by District Magistrate whereby Petitioner was informed that he is not entitled for compensation as his illegal structure was erected after final list of eligible candidates was published.

3) Petitioners' entitlement to receive compensation and eligibility to that effect was decided in negative on 24/11/2021. Said order is not questioned by the Petitioners in this Petition.

4) In response to the Courts query, counsel for the Petitioners fairly concedes that there is no sanction to the structure of Petitioners which is sought to be demolished vide impugned order. As such, said structure is illegally erected by the Petitioners and rightly so contrary to the provisions of Building Control Regulation.

5) In the aforesaid background, in our opinion, claim of the Petitioner that (a) Petitioners are not available to remove the structure because of their personal difficulty (marriage of family member in Uttar Pradesh) and (b) Petitioners are willing to accept the compensation as is offered to other similarly placed persons will be of hardly any significance.

6) In that view of the matter, no case for interference in extraordinary jurisdiction is made out. Petition as such fails, stands dismissed.

[ANIL L. PANSARE, J.]

[NITIN W. SAMBRE, J.]