

Pallavi

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MAHENDRA
WARGAONKAR

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Date: 2022.11.16
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13625 OF 2022

Shri. Firdos Marzban Irani

...Petitioner

Versus

The Sub Divisional Officer and Ors.

...Respondents

Mr. Prajakt M. Arjunwadkar for the Petitioner.

Mr. S.H. Kankal, AGP for Respondent Nos.1 to 3/ State.

Ms. Sneha Panchmukh a/w Deepamani i/b D.M. Legal
Ventures for Respondent No.4.

CORAM: MADHAV J. JAMDAR, J.

DATE: NOVEMBER 16, 2022

P.C.:

. **Not on board. Upon mentioning taken on board.**

1. Heard Mr. Arjunwadkar, learned Advocate appearing for the Petitioner, Mr. Kankal, learned AGP for the Respondent Nos.1 to 3 and Ms. Sneha Panchmukh, learned Advocate appearing for Respondent No.4.

2. Mr. Arjunwadkar seeks very limited relief. He states that by order dated 10th October 2022 passed by Tahsildar, Palghar demolition regarding the structure in question was directed. He states that the Petitioner has filed an Appeal under section 247 of

the Maharashtra Land Revenue Code, 1966 challenging the said order dated 10th October 2022. He states that the Sub-Divisional Officer, Palghar has heard the application seeking interim relief filed in the said appeal. Although the hearing has been completed, the Sub-Division Officer has not passed order on interim application and for that purpose, the matter has been kept on 22nd November 2022. He states that in the meanwhile, he received notice of Circle Officer, Boisar, Taluka and District - Palghar dated 15th November 2022 communicating him that on 17th November 2022 at 11.00 am, the demolition of the said structure will be carried out. As the appeal pending before the SDO is statutory appeal wherein interim application has been made by the petitioner which has not yet been decided, in the interest of justice, it is necessary that the Circle Officer is required to be restrained from demolition of the said structure till interim application is disposed of.

3. Hence, the present petition can be disposed of by directing the Respondent Nos.1 to 3 not to take steps for demolition of the said structure till the Sub-Division Officer, Palghar takes decision on the said application seeking interim relief filed by the Petitioner.

4. Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)