

Chaitali Ekke

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

WRIT PETITION NO. 6015 OF 2023

Mohammad Jalil Chaudhary

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

....

Mr. Rajesh Singh a/w Mr. Rahul Singh a/w Mr. Iftekhar Syed a/w Rajan Mishra a/w Nadeem Khan, for Petitioner.

Mr. V.M. Mali, AGP for Respondent Nos. 1 to 3.

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CORAM : RAJESH S. PATIL, J.

VACATION COURT

DATED : 10th MAY 2023

P.C.:

1 This matter is placed today at Serial No.56. Advocate Mr. Iftekhar Syed holding for Mr. Rajesh Singh mentioned this matter at 10.30 in the morning. At that time nobody was present on behalf of the State. Advocate for the State now states that no notice for mentioning this matter out of turn was given. Advocate Mr. Rajesh Singh states that they had given a notice to the State today morning and furnished covering letter to that effect.

2 After going through that acknowledgment, it seems such notice was given to the GP Office, Appellate Side on 12.15 noon. Today when the matter was mentioned by Advocate Mr. Iftekhar Syed, this court without the assistance of Government Pleader passed an order.

The order passed today morning around 10.35 am is reproduced herein below :

“1. The matter is on Board today at Serial No.56 has been mentioned out of turn and counsel for Petitioner request the matter be kept back and status-quo may be granted till 02:30 p.m.

2. Status – quo is granted till 02:30 p.m.”

3 As the matter was kept it 2.30 pm. the Court had orally directed Mr. Mali not to take action till today evening. When the matter was called out again out of turn at around 3.00 p.m., the Advocate Mr. Vikas Mali on behalf of the State was present. At that time a photograph was handed over by Advocate Mr. Mali. He showed that major part of the structure was removed by Petitioner himself. The said photograph is taken on record and marked “X” for identification. The matter was kept back for the parties to take instructions. The matter is again called out today at 5.30 pm. out of its turn. On 5.30 pm. Advocate for Petitioner informed this court that balance structure which can be seen in the photograph which is marked as “X” has also been demolished. Advocate Mr. Mali states that he was not able to contact his officer and inform him about this matter, since the mobile number of the officer was not reachable. He states that however, one officer was present in court (Ms.Shilpa Kamble, Revenue Assistant, concerned Collector Office)

4 Since entire structure is no more on the subject land. Petitioner is permitted to file such application as advised as per the provisions of law.

5 In view of the same, Advocate for Petitioner states that Writ Petition has now infructuous. Writ Petition disposed off.

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(RAJESH S. PATIL, J.)