

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1533 OF 2024

Manda Namdev Mhatre & Anr ...Petitioners
Versus
State of Maharashtra through Secretary Urban ...Respondents
Development & Ors

Mr Prashant Kulkarni, *for the Petitioner.*
Mr Kedar Dighe, Addl GP with **Mr SL Babar**, AGP, *for the*
Respondent-State.
Mr Pawan S Patil, *for Respondent Nos. 8 & 9.*
Mr Jagdish G Aradwad (Reddy), *for Respondent Nos. 2 to 7.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 28th June 2024

PC:-

1. Heard learned counsel for the parties.

2. In this case, the Petitioners made complaint about illegal constructions put up by Respondents Nos. 8 and 9. Based on such complaint, the Parnvel Municipal Council initiated action and demolish the unauthorised construction.

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3. Undeterred, the Respondents Nos. 8 and 9 once again reconstructed on the site illegally and with impunity. Therefore, the Corporation, after due compliance with the law, ordered the demolition of these reconstructed illegal structures by communication dated 23rd August 2023. However, instead of executing this order, the Corporation went on sending “reminders” to Respondents Nos. 8 and 9 to demolish illegal constructions.

4. If the Respondents Nos. 8 and 9 have reconstructed unauthorised structures after they were once demolish by the Corporation, we fail to understand what impact the reminders of the Corporation would have on such Respondents. The Petitioner has instituted this Petition because the Corporation, except for sending reminders, was not actually executing its demolition order.

5. In the above circumstances, we direct the Corporation to execute its demolition orders against reconstructions illegally put up by Respondents Nos. 8 and 9. This exercise must be completed within four weeks from today, if necessary, by obtaining police protection. If the Corporation approaches the concerned police, the police should render all assistance for enforcing the demolition order. The demolition orders must be enforced on or before 26th July 2024.

6. The Petition is disposed of with the above directions but Corporation must file compliance report in this Court along with photographs on 9th August 2024.

7. List the matter on 9th August 2024 for considering the compliance report.

(Kamal Khata, J)

(M.S. Sonak, J)