

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9216 OF 2024

Indradas Kacharu Gaikar ...Petitioner
Versus
Kalyan Dombivali Municipal Corporation & Ors ...Respondents

Mr Tejas D Deshmukh, *with Sagar Kursija i/b Harishchandra Chavan, for the Petitioner.*
Mr SL Babar, AGP, *for the Respondent-State.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 2nd July 2024

PC:-

1. Learned counsel for the Petitioner states that notices were served upon the Respondents. Only the AGP appears for the State of Maharashtra but Respondents Nos. 1 and 2 (Kalyan Dombivali Municipal Corporation) does not appear through any representative or counsel.

2. Learned counsel for the Petitioner states that the structure which is now ordered to be demolished by impugned order dated 14/06/2024 was permitted by the Panchayat before the jurisdiction of the Corporation was extended to the area where building put up. He submits that no hearing was granted to the Petitioner and

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impugned order is made in mechanical manner without considering the documents produced by the Petitioner.

3. Accordingly, we restrain the KDMC from demolishing the Petitioner's building in pursuance of the impugned order dated 14th June 2024 till the next date which shall now be 16th July 2024.

4. We issue fresh notice to the Respondents Nos. 1 and 2. In addition to the usual mode of service, private service is permitted. Petitioner to file affidavit of service.

5. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)