

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13322 OF 2024

Mukund Vaman Patankar ...Petitioner

Versus

Islampur Municipal Council through Chief ...Respondents
 Officer & Ors

Mr Kishor Patil, with Arjun Pawar, i/b Shrikant D Patil, for the
Petitioner.

Ms Rupali Shinde, AGP, for Respondents Nos. 2 to 5–State.

CORAM: M.S. Sonak &
Kamal Khata, JJ

DATED: 24th September 2024

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1. Heard Mr Patil for the Petitioner. Mr Patil states that a notice of today's hearing has been served upon the Islampur Municipal Council ("IMC") and Public Works Department ("PWD").
2. Ms Shinde, learned AGP appears for PWD but there is no appearance on behalf of Council.
3. Mr Patil contends that the Council and PWD without following the due process of law are on the verge of demolishing a portion of Petitioner's residential use and commercial unit. He states that no notices have been issued by any of the authorities

and neither have any measurements being taken. On instructions, Mr Patil states that the Petitioner do not oppose any road widening or even partial demolition provided, that the Petitioner is adequately compensated in terms of the law.

4. He, however, submits that such demolitions without following the due process of law are not to be allowed. Once again, we issue Court's notice to Islampur Municipal Council, returnable on 4th October 2024. Until the next date, the Respondents are restrained from demolishing any portion of the Petitioner's residential and commercial structure.

5. At the same time, the Petitioner should also maintain the status quo at the site. Petitioner will have to take immediate steps to serve this order and notice on the Islampur Municipal Council and file an Affidavit of Service.

6. The learned AGP is also requested to obtain instructions and apprise the Court on the status of demolitions on the next date.

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

(Kamal Khata, J)

(M.S. Sonak, J)