

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 112 OF 2024
IN
WRIT PETITION NO. 1564 OF 2024

Santosh Nigappa Burje ...Petitioner
Versus
Sadanand Ashok Kulkarni & Ors ...Respondents

Mr Yuvraj Narvankar, *for the Petitioner in RPW/112/2024.*
Mr Prashant P Kulkarni, *for the Petitioner in WP/1564/2024*
and for Respondent No. 1 in RPW/112/2024.
Mr Akshay Shinde, *for Respondents Nos. 3 & 4.*
Ms MP Thakur, AGP, *for Respondent No. 2-State.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 19th August 2024

PC:-

1. Although we are not satisfied that some good ground has been made out to review our order, considering the ad interim order dated 29/11/2023 made by the 5th Joint Civil Judge, Junior Division at Ichalkaranji in the Suit instituted by the Review Petitioner, we direct the Corporation to hold its hands and not execute its demolition order until the Civil Court

disposes of the Review Petitioner's application for temporary injunction in Civil Suit No. 384 of 2023.

2. Learned counsel for the Corporation has submitted that the Suit as filed is deliberately confusing and without challenging any of the orders made by the Corporation, a general and vague relief is applied for restraining the Corporation from exercising its statutory powers.

3. From the perusal of the plaint, we find that there is no specific challenge to the orders made by the Corporation. The relief clause is broad and, prima facie, vague. Mr Narvankar claims that the construction, which is ordered to be demolished, was authorised. This is a matter that will have to be looked into by the Trial Court because relief to restrain the statutory authorities from discharging their statutory duties can only be granted if the plaintiff shows proper permissions to defend the construction that is made.

4. Since only an ad interim relief has been granted and continued, we stress the need for the Trial Court to dispose of the Review Petitioner's application for temporary injunction as expeditiously as possible and in any event within a period of four weeks from today, i.e., on or before 16 September 2024.

5. The Review Petitioner and the Corporation must place an authenticated copy of this order before the learned Trial Judge within this week. The learned Trial Judge must then dispose of the application for a temporary injunction following the law and

on its own merits on or before 16 September 2024. The Trial Court's decision must be placed before this Court on the next date, i.e., 23 September 2024.

6. List the matter on 23 September 2024. Until then, the Corporation should not execute its demolition order dated 30/12/2022.

(Kamal Khata, J)

(M.S. Sonak, J)