

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11315 OF 2024
IN
WRIT PETITION NO. 13790 OF 2022

Madan Hazarilal Gupta	...Applicant
<i>In the matter between</i>	
Priti Jitendra Kuthe	...Petitioner
<i>Versus</i>	
State of Maharashtra & Ors	...Respondents

Mr Piyush Shah, for the Applicant.

CORAM M.S. Sonak &
Arif S. Doctor, JJ.
DATED: 5th August 2024

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PC:-

1. Heard Mr Shah for the Applicant.

2. Though, in the entire Application, there is no statement that the demolition order made by the Kalyan Dombivali Municipal Corporation (“KDMC”) on 17th December 2021 was never served upon the Applicant, Mr Shah based on instructions from the Applicant, who is present in the Court states that the demolition

order dated 17th December 2021 was never served upon the Applicant.

3. Mr Shah further states that the notice has been given to the KDMC of today's Application on mentioning However, no representative of the KDMC or the Advocate for the KDMC are present.

4. Accordingly, we post this matter on 12th August 2024.

5. Issue notice to the KDMC and Mrs Priti Jitendra Kuthe, returnable on 12th August 2024. The Applicant must take steps and file an Affidavit of Service.

6. The learned Counsel for the Applicant, based on instructions from the Applicant, who is present before us states that the ground plus two structure which is now ordered to be demolished will be closed from today onwards until 13th August 2024. By accepting the statement, we restrain the KDMC from executing the demolition notice dated 17th December 2021 until the next date which shall be 12th August 2024.

7. The Applicant to immediately serve an authenticated copy of this order on the KDMC. Along with the order, the Applicant should also submit photographs of having closed down the structure which is the subject matter of the final demolition order dated 17th December 2021. The KDMC should also inspect the premises each day to see whether any activity is undertaken through this premises.

If the KDMC finds that the structure is being used despite the undertaking given before us, the KDMC will be free to execute its demolition order dated 17th December 2021 in terms of the statement made before this Court and recorded in our order dated 24th July 2024.

8. List this matter on 12th August 2024.

Arif S. Doctor, J)

(M. S. Sonak, J)