

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

Madan Hazarilal Gupta

... Applicant /

(Org. Respondent No.5)

In the matter between :-

Priti Jitendra Kuthe

... Petitioner

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Piyush Shah for Applicant.

Mr. Nikhil Waje a/w Mr. Viren Tapkir for Petitioner.

Ms. Savina R. Crasto, A.G.P. for Respondent No.1-State.

Mr. Sandeep D. Shinde for Respondent Nos.2 to 4.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 28th November 2024.****P.C. :**

1) Record clearly indicates that, the structure mentioned in the Notice dated 17th December, 2021, is patently illegal structure. Applicant / Org. Respondent No.5 has failed to demonstrate the legal sanctity of the structure erected by him and/or his relatives or any sanctions for construction from the Respondent No.2-Corporation.

2) We are of the view that, the illegality committed by the

Applicant/Org. Respondent No.5, cannot be permitted to be perpetuated under the seal of this Court.

3) Mr. Sandeep Shinde, learned Advocate for Respondent Nos. 2 to 4 submitted that, it will take two days time to demolish the said illegal structure erected by Applicant/Org. Respondent No.5.

4) In view thereof, we are not inclined to grant interim relief to the Applicant/Org. Respondent No.5.

5) Interim Application is accordingly rejected.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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