



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1505 OF 2024

Preeti Haresh Mansukhani

...Petitioner

Versus

State of Maharashtra and ors.

...Respondents

Mr. Sanjiv Punalekar, a/w Mr. Ashish Kanojia, i/b. Ms. Jyoti
Ghorpade, for the Petitioner.

Mr. Ashwin Vasista, a/w Mr. Alok D. Pandey, for Respondent No.7.

Ms. Uma Palsuledesai, AGP, for the Respondent-State.

Ms. Meena Dhuri, i/b. Mr. Sunil Sonawane, for the Respondent-BMC.

CORAM M.S. Sonak &
 Kamal Khata, JJ.
DATED: 14th August 2024

PC:-

1. Heard learned counsel for the parties.
2. Mr. Sanjiv Punalekar, learned counsel for the Petitioner states that all the Respondents have been duly served in this matter by private service as well as through the Court.
3. The Petitioner seeks implementation of the demolition orders dated 26th March 2022 issued by the BMC against unauthorised constructions put up by Respondent Nos.6 to 9. Mr. Punalekar points out and even the record bears out that Respondent Nos.6 to 9 had instituted Civil Suit No.0002101 of

2022 before the Civil Court at Dindoshi. He submits, by reference to the extract of roznama at page 76 of the paper-book that this Suit is disposed of as withdrawn on 30th August 2022. He therefore submits that there is no legal impediment for the BMC to execute its demolition orders dated 26th March 2022. Still, he submits that the BMC has till date not executed its demolish orders which have attained finality.

4. Mr. Ashwin Vasista, learned counsel for the 7th Respondent submits that though demolition notices have been issued by the BMC, still, the 7th Respondent's structure is legal and authorised. He submits that the premises are not being used for any unauthorised purposes as alleged by the Petitioner.

5. Since, the demolition orders dated 26th March 2022 have attained finality particularly after the Respondent Nos.6 to 9 withdrew the suit instituted by them to challenge such demolition notices, the BMC, cannot avoid the execution of such demolition notices. In fact, the BMC, should have executed these demolition notices soon after the suit was withdrawn on 30th August 2022 rather than requiring the Petitioner to approach this Court with a Petition seeking execution/implementation.

6. Ms. Dhuri, learned counsel for BMC states that the demolition orders dated 26th March 2022 would now be executed within four weeks from today but in any event on or before 18th September 2024. This statement is accepted and the BMC is directed to act consistent with its statement.

7. Mr. Vasista's contention about the structure being legal etc. cannot be considered particularly because the challenge to the demolition notice at the behest of *inter alia* the 7th Respondent has already failed.

8. The Petition is disposed of in the above terms. There shall be no order for costs. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)