



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
24 CIVIL APPLICATION NO. 1604 OF 2025
IN WP/19/2024**

**DILIP NANABHAU SATPUTE
VERSUS
KAUSHIK PRAVINCHAND KOTHARI AND OTHERS**

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Advocate for the Applicant in CA : Mr. Naik Thigle Girish K
Advocate for Petitioners in WP : Mr.S.S.Thombre
AGP for Respondent/State : Mr. S.R.Yadav-Lonikar
Advocate for Respondent Nos.2 and 3: Senior Counsel Mr. V.D.Hon holding for
Mr.K.N.Lokhande

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 10th FEBRUARY 2025

PER COURT :

1. The petitioner who has put cause to the court for illegal construction of the premises on the open space as per the lay out filed this application for recalling the order dated 28.01.2025 passed in Writ Petition No.19 of 2024. Learned counsel for the applicant would submit that the petitioners in the writ petitions have been deliberately not added the present applicants. Without adding them, obtained order questioned before the court.

2. Learned counsel for the applicant would submit that the Hon'ble Supreme Court never stayed the order of demolition. Various orders were passed in earlier writ petitions wherein the corporation

was directed to demolish the unauthorized constructions. He would further submit that the earlier orders of this Court were not correctly placed before the Court and an impression was made that since the corporation is regularizing the revised lay out, nothing remains to be executed.

3. In pursuance to the statement made, order dated 28.01.2025 was passed. However, learned counsel for the petitioner has produced on record the order dated 06.12.2024, which is very specific about compliance by the Municipal Corporation of the earlier order of demolishing the illegal construction.

4. After having gone through the facts of the case and earlier litigation, we feel it appropriate to stay the order dated 28.01.2025 for the reasons that the contesting parties were not added as a party. However, the learned counsel for the present non-applicant Mr. Thombre states that this application may be allowed. They are ready to add these applicants as respondents. In that circumstance, instead of staying, this order may be recalled. In view of the statements of the respective counsels and not-joining the necessary parties to the writ petition, we pass following order.

ORDER

- a) The Civil Application No. 1604 of 2025 is allowed.
- b) The order dated 28.01.2025 is recalled.
- c) The Writ Petition No. 19 of 2024 stands restored to its original position.

d) The writ petitioners are directed to add the present applicants as respondents to the writ petition.

e) Amendment be carried out forthwith. Copies of the writ petition be provided to the proposed respondents.

e) Stand over to 10.03.2025.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

vsj..