

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11054 OF 2025

Alka Yashwant Mane

... Petitioner

Versus

The Kolhapur Municipal Corporation & Ors.

... Respondents

Mr. Rahul P. Kasbekar for the Petitioner.

Mr. A.A. Naik, A.G.P. for the Respondent-State.

Mr. Abhijit M. Adagule a/w. Ms. Ketaki Patil & Ms. Manjiri Kulkarni for the Respondent Nos.1 & 2-KMC.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 17th December 2025.

P. C. :

1. Mr. Kasbekar, learned counsel for the Petitioner, tendered an additional affidavit of the Petitioner across the Bar. The same is taken on record.

2. The Petitioner has filed this Petition seeking directions against the Respondent-Municipal Corporation that the notice dated 1st September 2023 issued by the Respondent-Authority under Section 53(1) of the

Maharashtra Regional and Town Planning Act, 1966 in respect of demolition of unauthorized development / construction carried out by the predecessor of the Respondent No.6 be strictly implemented.

3. This Petition was filed on 9th May 2025. It is informed that the Respondent No.6 has filed suit before the Civil Judge, Senior Division at Kolhapur against the Municipal Corporation challenging notice dated 1st September 2023 issued under Section 53(1) of the MRTP Act. The said suit has been filed on 20th May 2025 after filing of the present Petition, to which an objection is raised that the said suit is not maintainable and that the same is filed only to delay in demolition proceedings in respect of the unauthorized construction raised by the private Respondents. However, such objection needs to be taken before the concerned Civil Court. In any case, it is for the Civil Court to pass appropriate Orders in accordance with law.

4. It is also pointed out that there is no injunction in favour of the Respondent No.6. In view of the above, there is no legal impediment to the implementation of the notice dated 1st September 2023 issued under Section 53(1) of the MRTP Act.

5. Respondent Nos.1 & 2 on instructions submits that within a period of eight weeks from today the notice dated 1st September 2023 under Section 53(1) of the MRTP Act will be taken to its logical conclusion,

unless there is any legal impediment which prevents the Respondent Nos.1 & 2 from implementing such notice.

6. Accepting the stand of the Respondent-Municipal Corporation, the Petition stands disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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