

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.112 OF 2024
IN
WRIT PETITION NO.1564 OF 2024

Santosh Nigappa Burje

...Petitioner

Versus

Sadanand Ashok Kulkarni & Ors.

...Respondents

Mr. Yuvraj Narvankar, *for the Petitioner.*

Mr. Prashant P. Kulkarni, *with Adv. Rachna Mamnani and
Adv. Ritika Rajeev for Respondent No.1.*

Ms. Rupali Shinde, AGP, *for Respondent No.2-State.*

Mr. Akshay Shinde, *for Respondent Nos.3 and 4.*

CORAM

**M.S. Sonak &
Kamal Khata, JJ.**

DATED:

31st July 2025

ASHWINI
H
GAJAKOSH
Digitally
signed by
ASHWINI H
GAJAKOSH
Date:
2025.08.05
12:06:23
+0530

PC:-

1. Heard learned Counsel for the parties.
2. Mr. Yuvraj Narvankar seeks leave to withdraw this Review Petition, but submits that the contentions raised by the Review Petitioner in this Petition may be left open to be adjudicated in the Appeal which the Review Petitioner has instituted to challenge the Trial Court's order rejecting the petitioner's application for

injunction restraining the Corporation from executing its demolition order. We grant leave with liberty as prayed for.

3. However, we note that by our order dated 15th July 2024, of which the Review is applied for, we had directed the Corporation to take action to execute its demolition order dated 30th December 2021 within four weeks unless there was any legal impediment like injunction, stay, etc from the competent Court of law or authority.

4. The Review Petitioner filed Civil Suit No.384 of 2022 before the 5th Joint Civil Judge (Junior Division) at Ichalkaranji and sought a temporary injunction. It is now clear that the plaintiff's claim has been rejected and the injunction application has been dismissed.

5. Mr. Narvankar admits that the Appeal Court has not granted any interim relief in the matter. The learned counsel for the Corporation refers to our order of 19th August 2024, in which we had directed that until 23rd September 2024, the Corporation should not execute its demolition order dated 30th December 2022. This is because we had directed the Trial Court to decide the Petitioner's injunction application on or before 16th September 2024.

6. No sooner had the Trial Court rejected the injunction application than it was expected, or rather, it was the duty of the

Corporation, which had complied with our order dated 15th July, 2024 and executed its demolition order dated 30th December, 2021. This, the Corporation, for reasons best known, has not done.

7. Therefore, now that we are allowing the withdrawal of this Review Petition or dismissing this Review Petition as withdrawn, we reiterate that the directions issued by us in our order dated 15th July 2024 revive and the Corporation, must comply those directions at the earliest unless of course they are again restrained by any order of the competent Court of law or authority.

8. The Corporation must submit its compliance report to this Court on or before 14th August 2025. The advance copy of the compliance report must be provided to the learned counsel for the original Petitioner. This is necessary because the learned counsel for the respondent complainant pointed out that the Corporation was delaying the execution of its demolition order.

9. This review petition is dismissed as withdrawn with liberty, as explained above. Nevertheless, the Corporation must still file a compliance report by August 14, 2025.

10. No costs.

(Kamal Khata, J)

(M. S. Sonak, J)