

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

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 175 OF 2012

Shri. Nagesh Vishnu Kadam ... Petitioner

Versus

The State of Maharashtra And Ors. ... Respondents

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SHUBHAM
ASHOKRAO

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WITH
CIVIL APPLICATION NO. 06 OF 2017
IN
PUBLIC INTEREST LITIGATION NO. 175 OF 2012

Mr. Sachin M. Bhavar i/by Mr. Sandip Salunke for the Applicants in CA No. 06 of 2017.

Mr. Siddheshwar B. Kalel, AGP for the Respondent-State.

Mr. Sarang S. Aradhye (thr VC), Shantanu Gurav and Gauri Velankar for the Respondent No. 2.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : October 9, 2025.

P.C. :

1. Heard learned Counsel for the Petitioner.
2. This PIL was filed in the year 2012 seeking following reliefs:

“(a) this Hon’ble Court be pleased to issue a writ of Mandamus or a writ, direction or order in the nature of mandamus, or any other

appropriate writ, direction or order under Articles 226 of the Constitution directing the Respondent Nos. 2 to 4 to submit a report on actions taken on unauthorised structures in Pandharpur City, District Solapur.

(b) this Hon'ble Court be further pleased to issue writ of mandamus or any other appropriate order and thereby direct the Respondents to demolish the existing structures which are built without obtaining any permission from the authorities and which in any case cannot be validated as these structures are constructed illegally. The recovery of the expenses and cost suffered by the Respondent No. 3 as a result of non-exercising the powers of authorities may be recovered from the concerned individual authorities as it is waste of public money."

3. This Court has passed various orders from time to time.
4. Mr. Aradhye learned Counsel appearing for the Pandharpur Municipal Council, in compliance of the directions of this Court dated 25th September, 2025 has filed an additional affidavit on behalf of the Respondent No. 2. Paragraph 5 to 8 is reproduced hereinbelow.

"5. I say and submit that the Municipal Council had already decided to conduct a demolition drive against the unauthorised constructions/structures in the Pandharpur city and more particularly in various wards with effect from 10/11/2025. I say and submit that on 07/10/2025 a communication is addressed by the present Deponent to the Superintendent of Police, Solapur (Rural) requesting to provide sufficient police protection to maintain situation of law and order. The said communication is addressed in the light of directions issued by this Hon'ble Court in the present Public Interest Litigation. Hereto annexed and marked as Exhibit-"R-4" is a copy of the communication dated 07/10/2025.

6. I say that by order dated 08/10/2025, specific directions are issued to the Bit Inspector to initiate an action against the unauthorised structures. By the said order it was directed to the said Bit Inspectors to submit compliance Report on every second and fourth Friday to the Regional Officer and thereafter to initiate action with the coordination with the local Police and by following due process of law. In these orders it has been stated that if there is any failure regarding the compliance, disciplinary proceedings shall be initiated against the concerned as per the provisions of Maharashtra Municipal Council Rules, 1965. Hereto annexed and marked as Exhibit -"R-5"

Colly are the copies of the communications dated 08/10/2025.

7. I say and submit that pursuant to the directions issued by this Hon'ble Court, the Pandharpur Municipal Council had already initiated an action against unauthorised constructions in the city and is bound to take/ continue the said action in future also as the Municipal Council is well aware of the directions issued by the Hon'ble Apex Court in the matter of RAJENDRAKUMAR BARJATYA AND OTHERS V/S U. P. AVAS EVAM VIKAS PARISHAD AND OTHERS passed in Civil Appeal No. 14604 of 2024.

8. I say and submit that the Municipal Council is under duty bound to initiate and continue an action against the unauthorised structures as well as constructions in the Pandharpur city in street manner and without any fear and favour.”

5. The stand taken is that action is being taken in accordance with law and that the Municipal Council is duty bound to take continuous action against the unauthorized structures as well as constructions in the Pandharpur city in strict manner and without any fear and favour.

6. Learned Counsel for the Intervenor in Civil Application No. 6 of 2017 submitted that Intervention Application is filed for grievance about the unauthorized structures in Pandharpur City and no effective action is taken by the Pandharpur Municipal Council.

7. We have already recorded the stand of the Municipal Council and are satisfied that action is being taken. If the Intervenor has any grievance that the assurances placed on record by the Municipal Council are not being followed in its letter and spirit or that action is not being taken against the unauthorized structures, it is open for the Applicant to file appropriate proceedings for directions against the Municipal Council.

Keeping this liberty open for the Applicant, the Public Interest Litigation is disposed of.

8. Mr. Aradhye, further submits that chart at page 18 of the affidavit dated 25th September, 2025, sets out the manner in which application/complaint regarding unauthorized construction is processed.

9. We expect the Municipal Council to take cognizance of the complaint made by the citizens in the manner provided in the chart indicated in para 18 of the affidavit dated 25th September, 2025. As and when the request is made by the Municipal Council for police protection to take action against the unauthorized structure, sufficient notice be given to the police station incharge of the concerned area police station. Incharge of the police station to ensure that adequate police force is provided in order to assist the Municipal Council to effectively take action against such unauthorized constructions.

10. The Public Interest Litigation is disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]