

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2226 OF 2024

Salman Anis Dolare

...Petitioner

Versus

Kalyan Dombivali Municipal Corporation Through
Its Commissioner And Ors.

...Respondents

WITH

INTERIM APPLICATION (St.) NO. 25843 OF 2025

WITH

INTERIM APPLICATION (St.) NO. 25826 OF 2025

Mr. Kishor Patil a/w Mr. Akshada Nagral i/b Mr. Pratik Rahade for Petitioner in WP No.2226 of 2025.

Mr. Kishor Patil i/b Mr. Siddheshar Biradar in WP No.10524 of 2025.

Mr. Kishor Patil a/w Mr. R. M. Haridas a/w Vinay Chavan, Amol Deshinge, Akshada Nagral i/b Mr. Dilip Shinde for the Petitioner in WP No.10526 of 2025.

Mr. Abhishek Jha i/b Jha Legal Associates in WP(St.) No.26397 of 2025.

Mr. Pandit Kasar for the Respondent No.6 in WP No.2226 of 2024.

Mr. Rohit Sakhadeo for Respondent Nos.1 & 2 in WP No.2226 of 2024, WP No.10524 of 2025 & for Respondent Nos. 2 & 3 WP No.10526 of 2025.

Mr. Nilesh Wabale for Intervenor / Applicant in IA(St.) No.25843 of 2024.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 04 AUGUST 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

“a. Issue an appropriate Writ/Order to direct the Respondent No.2 to remove the illegal constructions as stipulated in the Order dated 13 June 2023 (Exh – “E” & “F”) issued by the respondent No.2;

b. Issue and appropriate Writ/Order to direct the Respondent No.2 to implement its own Order dated 13 June 2023 (Exh – “E” & “F”).”

2. This Court, time to time, had heard the proceedings. On 7 July 2025, considering the settled principles of law as laid down by the Supreme Court in **Friends Colony Development Committee Vs. State of Orissa¹**, **Supertech Ltd. Vs. Emerald Court Owner Resident Welfare Association & Ors²**, **Kerala State Coastal Zone Management Vs. Maradu Municipality & Ors³**. etc and as recently followed by this Bench in the case of **Subhadra Ramchandra Takle Vs State Of Maharashtra And Ors⁴** this Court had observed that if the construction which is objected in the petition, was unauthorized and illegal then the same would be required to be accordingly dealt by the Municipal Corporation.

3. We are informed by Mr. Patil as also confirmed by Mr. Sakhadeo, learned counsel appearing for respondent No.1 – Corporation also making a reference to the further orders dated 14 July 2025 and 17 July 2025 passed on this petition, that the objectionable illegal/unauthorized construction has already been demolished.

4. In this view of the matter, the learned counsel for the parties are agreeable that further adjudication of this petition is not called for, and the same can be disposed of, however, keeping open all contentions of the private respondents as also the petitioners to assert their respective contentions in any other pending proceeding. The parties are permitted to refer to and rely on the proceedings of this petition, in any other proceedings.

1 (2006) 3 SCC 581

2 (2021) 10 SCC 1

3 Civil Appeal Nos.4784 & 4785 of 2019 decided on 8 May 2019

4 Writ Petition No.5898 of 2025 order dt. 12 June 2025

5. In this view of the matter, the petition would not warrant further adjudication. It is accordingly disposed of, as the prayers have already become infructuous.

6. Interim applications would also not survive, the same stand disposed of.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)