

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1373 OF 2025

Jewish Heritage Trust
Through Mr Raymond Gadkar ...Petitioner
Versus
The Collector & Ors. ...Respondents

Mr. Haris Khan a/w Mr. Venkatesh Bhandari i/b Mr. Raymond Gadkar
for Petitioner.
Mr. Dilip Bodake for Respondent No.2.
Mr. Y. D. Patil AGP for State.

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

DATE : 10th JUNE, 2025.

P.C.:

1 We have heard the learned counsel for the parties on this
petition. The substantive relief as prayed for in the petition is for writ of
mandamus that respondent no.2-Matheran Hill Station Municipal
Council (for short “Municipal Council”) be directed to grant permission
to the petitioner to undertake urgent pest control, termite treatment
and essential conservation work on the heritage property in question. It
is stated that the heritage structure is within the authority and control
of the Municipal Council.

2 The petition was moved before the vacation court on 16th May
2025, when the following order came to be passed:

“1. Learned counsel for Respondent No.2 on instructions states

that they would have no objection if the Petitioner carries out pest control in the writ structure mentioned in the Application, provided that 48 hours prior intimation is given to the Respondent No.2 and the pest control is carried out under the supervision of Respondent No.2 or his representative.

2. It is made clear that without the presence of a representative of Respondent No.2, no pest control or any work shall be carried out by the Petitioner in the writ structure.

3. It is further clarified that the Petitioner will not claim any equities for being permitted to carry out pest control in the writ structure. This permission is granted without prejudice to the rights and contentions of all parties in the matter.

4. Stand over to 10th July 2025.”

3 Today, the petition is placed before us for urgent orders contending that despite the aforesaid order, respondent no.2 has not deputed an appropriate officer under whose supervision the activity can be undertaken.

4 Mr. Dilip Bodake, learned counsel for the respondent no.2 on instructions has stated that Municipal Council has now deputed two of its officers, namely; Mr. Praveen Survey (Clerk) and Mr. Arjun Paradhi (Mukadam), who would remain present to supervise the pest control activity being undertaken by the petitioner. If that be so, further adjudication of the petition is not called for. We dispose of the petition in terms of the following order:

ORDER

(i) In so far as the other relief as prayed for by the petitioner is concerned, we keep open all contentions in that regard.

(ii) In so far as prayer (1) is concerned, the petitioner has intended to

undertake the pest control on 12th June 2025 and 13th June 2025 at the time, which would be informed by the petitioners to the concerned officers. The officers Mr. Praveen Survey (Clerk) and Mr. Arjun Paradhi (Mukadam), shall remain present to supervise the work being carried out by the petitioner.

4 Petition accordingly disposed of. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]