

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3439 OF 2025

VAIBHAV
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Date: 2025.05.06
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Makbul Ahamad Mujawar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3440 OF 2025**

Farid Nazim Mujawar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3442 OF 2025**

Farid Nazim Mujawar ... Petitioner
V/s.
The Directorate of Archeology
and Museums & Ors. ... Respondents

**WITH
WRIT PETITION NO.3444 OF 2025**

Shabbir Arif Shaikh ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3445 OF 2025**

Abdulla Mahammad Mujawar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3446 OF 2025**

Abdul Saleem Kaseem Malang ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3453 OF 2025**

Sadika Nazim Muzawar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3243 OF 2025**

Wasim Habib Shaha ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3244 OF 2025**

Murad Sultan Mhaldar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3245 OF 2025**

Abdulla Umar Mujawar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.3247 OF 2025**

Vahida Anwar Kagdi ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.2597 OF 2025**

Ayub Usman Kagadi	... Petitioner
V/s.	
The State of Maharashtra & Ors.	... Respondents

**WITH
WRIT PETITION NO.2988 OF 2025**

Usman Ismail Mujawar	... Petitioner
V/s.	
The State of Maharashtra & Ors.	... Respondents

**WITH
WRIT PETITION NO.2989 OF 2025**

Abdul Rehman Juber Mirasaheb Mujawar	... Petitioner
V/s.	
The State of Maharashtra & Ors.	... Respondents

**WITH
WRIT PETITION NO.2991 OF 2025**

Raju Tukaram Gaikwad	... Petitioner
V/s.	
The State of Maharashtra & Ors.	... Respondents

**WITH
WRIT PETITION NO.2992 OF 2025**

Shiraj Ramzan Mujawar, legal heir of Ramzan Usman Mujawar, since deceased	... Petitioner
V/s.	
The State of Maharashtra & Ors.	... Respondents

**WITH
WRIT PETITION NO.2993 OF 2025**

Dastagir Ismail Mujawar	... Petitioner
V/s.	
The State of Maharashtra & Ors.	... Respondents

Mr. S. B. Talekar with Ms. Madhavi Ayyapan i/by Talekar & Associates for the petitioner in all petitions except WP/3884/2025.

Mr. Sagheer A. Khan with Ms. Tasmiya Siddiqui, A. S. Khan and Ms. Insha Shaikh i/by Judicare Law Associates for the petitioner in WP/3884/2025.

Mr. O. A. Chandurkar, Addl. G. P with S. D. Vyas, AGP, M. M. Pable, AGP, H. D. Mulla, AGP, G. R. Raghuwanshi, AGP, P. J. Gavhane, AGP, P. V. Nelson Rajan, AGP, Mr. S. D. Rayrikar, AGP and S. D. Chipade, AGP for the State.

Mr. J. P. Patil, AGP for the State in WP/3442/2025.

CORAM : AMIT BORKAR, J.

DATED : MAY 5, 2025

P.C.:

1. Pursuant to the directions issued by this Court vide order dated 4 March 2025, the respondents have filed their reply-affidavit. In the said affidavit, it has been stated that the structures which were existing before the issuance of the notification under Section 20 of the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act were kaccha constructions. According to the respondents, these kaccha structures were later replaced by permanent RCC constructions. However, an important issue that still remains to be clarified is the source of authority or

power under which such action for demolition is proposed.

2. Shri Chandurkar, learned Additional Government Pleader, has submitted before this Court that the power to act in such matters is derived from Rule 33 of the Maharashtra Ancient Monuments and Archaeological Sites and Remains Rules, 1962. On a careful reading of Rule 33, it becomes clear that the initial authority to direct demolition of unauthorised structures lies with the State Government. Only if the persons concerned fail to comply with such direction, the Collector is empowered under Sub-rule (2) of Rule 33 to carry out demolition of the said structures.

3. The learned Addl. G.P. further submits that the powers of the State Government have been delegated to the Assistant Director of Archaeology, who is exercising such authority in the present matter. However, as the present record does not contain any document to show such delegation of power, the learned Addl. G.P. seeks time to file an additional affidavit, placing on record the necessary material to demonstrate that such delegation was lawfully made.

4. In order to afford sufficient opportunity to the State to place the relevant documents on record, list the matter on 16 June 2025.

5. Till the next date, the ad-interim relief granted earlier shall continue to remain in force.

6. However, it is made expressly clear that the ad-interim relief granted shall remain confined only to the subject matter of the notice which forms the basis of the present writ petition, and shall

not extend to any other construction or action not covered by the said notice.

(AMIT BORKAR, J.)