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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8801 OF 2025

Sandeepkumar Mohanlal Shah

...Petitioner

Versus

The State of Maharashtra

Thru. Secretary And Ors

...Respondents

Mr. Ajay A Joshi for the Petitioner.

Mr. B.V.Samant, Addl.G.P a/w Smt. Pooja Joshi Deshpande, A.G.P for
the Respondent.

CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
DATE : 1st JULY, 2025

P.C. :

1. The circulation of the aforesaid petition was granted today, since learned Counsel for the petitioner had disclosed that one of the Municipal Officer of the Pandharpur Municipal Council i.e. the respondent No.3 had asked the petitioner to obtain the stay order within two days, failing which, the petitioner's shop would be demolished.

2. Learned Counsel for the petitioner submits that the petitioner has been informed by the respondent No. 3 vide letter dated 25th April, 2025 that the petitioner would be given FSI/TDR by way of compensation for the demolition of his shop. Learned Counsel for the petitioner relied on the Full Bench Judgment of this Court in the case of *Shree Vinayak Builders and Developers, Nagpur v/s The State of Maharashtra and Others*.¹ Learned Counsel submits that as decided by this Court in the said Judgment, FSI/TDR can never be forced on the party and in any event, cannot be a substitute for taking over the petitioner's property, without following due process of law.

3. Learned Counsel for the petitioner also relied on the orders passed in the similar petitions i.e. *Padma Ghansham Bhosale & Ors. V/s The State of Maharashtra*² & *Ors. and Salimhusain Fazalehusain Bohari V/s The State of Maharashtra & Ors.*³

4. Issue notice to the respondents returnable on **12th August**,

1 2022(4) Mh.L.J

2 Writ Petition No. 6219/2025 dated 7th May, 2025

3 Writ Petition No. 1185/2025 dated 6th March, 2025.

2025. Learned A.G.P waives notice on behalf of the respondent Nos.1 and 2 and seeks time to take instructions. Hamdast permitted.

5. Spare copy to be supplied in the Registry within one week from today, so as to enable the Registry to issue notice to the respondent Nos.3 and 4.

6. In addition to Court notice, learned counsel for the petitioner to serve the respondent Nos.3 and 4, by private notice and file affidavit of service before the next date.

7. In the meantime, till the next date, the concerned respondents are restrained from dispossessing the petitioner or from taking any coercive action against the petitioner's structure i.e. shop No.1, situated in CTS No. 4647/2B/2/1, Market Yard, Pandharpur, District Solapur.

8. The aforesaid petition to be tagged alongwith Civil Writ
Petition No. 6219 of 2025.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.