

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9205 OF 2025

Razzaq Mehboob Bhagwan & Ors.

...Petitioners

Vs

The State of Maharashtra & Ors.

...Respondents

Mr. Anil Sakhare, Senior Advocate with Kalpesh Patil, for the Petitioners.

Mr. Ajit Hon, for Respondent No.2.

Ms. M. P. Thakur, AGP for the State-Respondent Nos.1, 3, & 4.

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

DATE: **7th JULY 2025.**

P.C.

1. Not on board taken on board on a praecipe as moved on behalf of the petitioners.

2. We have heard Mr. Sakhare, learned Senior Counsel for the petitioners, Mr. Hon, learned Counsel for respondent No.2-Chief Officer, Akkalkot Municipal Council, and Ms. Thakur, learned AGP for the State-Respondent Nos.1, 3, and 4.

3. This petition under Article 226 of the Constitution of India primarily challenges the notice dated 4 July 2025 issued by respondent No.2 under Section 53(1A) of the Maharashtra Regional and Town Planning Act, 1966. At the outset, Mr. Sakhare would submit that there are developments subsequent to the filing of this petition inasmuch as by a communication dated 7 July 2025, the impugned notice under Section 53(1A) of the MRTP Act has been withdrawn by respondent No.2. A copy of the same is placed on record. This fact is also confirmed by learned Counsel for respondent No.2. Mr. Sakhare, however, submits that there is further notice issued by respondent No.2 dated 7 July 2025 whereby the petitioners have been called upon to submit certain documents, but the notice is silent as to under which provision the same has been issued. Mr. Sakhare's contention is that the respondents ought not to proceed under such communication and take any coercive action of demolition against the

petitioners.

4. On a plain reading of the said notice dated 7 July 2025 as produced by Mr. Sakhare, it is seen that it is a notice calling upon the petitioners to remain present on 9 July 2025 at 3.30 p.m. with all documents in relation to the constructions in question, the property documents as set out in the second paragraph of the said notice. Let the petitioners submit all such documents for examination of respondent No.2, and on consideration of such documents and after granting an opportunity of a hearing to the petitioner in the manner known to law, if any action is being intended to be taken by respondent No.2 to demolish the construction, respondent No.2 shall follow the due procedure in law by issuing an appropriate notice of demolition. All contentions of the parties in that regard are expressly kept open.

5. In the event of any order adverse to the petitioners, is passed by respondent No.2 directing removal of such constructions, reasonable time be granted to the petitioners to vacate the premises which shall be minimum 15 days. We keep open all the contentions of the parties.

6. In this view of the matter, further adjudication of the present petition is not called for. The petition is accordingly disposed of in the above terms. No costs.

7. Parties to act on the authenticated copy of the order.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)