

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11813 OF 2025

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SUBHASH
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Date: 2025.09.13
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Jyoti D. Shirwadkar

.. Petitioner

Versus

Deputy Collector-1 & Ors.

.. Respondents

Mr. Kishor Patil a/w P. B. Rahade i/b. Rukmini Khairnar for the Petitioner.

Mr. Vishwanath Patil a/w Akshay Naidu for Respondent No.3 AGRC.

Dr. Dhruti Kapadia a/w Kavita Dhanuka for Respondent Nos. 1 and 2.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: SEPTEMBER 10, 2025

P. C.

1. Not on board. Taken on board.
2. This Petition is filed under Article 226 of the Constitution of India seeking the following substantive reliefs:-

“(a) This Hon’ble Court be pleased to issue an appropriate writ/order to direct the Respondent No.3 to decide the Appeal being Appeal No. 318 of 2025 and the application for stay annexed at Exhibit C Colly to the present Petition;

(b) This Hon’ble Court be pleased to issue an appropriate writ/order to quash and set aside the Order dated 13.08.2025 passed by the Respondent No.1;

(c) This Hon’ble Court be pleased to issue an appropriate writ/order to quash and set aside the Notice dated 3.09.2025 annexed to Exhibit D to the present Petition;”

3. It is thus clear that the Appeal which is filed by the Petitioner is pending before the Appellate Authority. The Petitioner has also moved an application for stay in such

Appeal. We are informed by the learned Counsel for Respondent No.3 AGRC that the tentative next sitting of the Appellate Authority is scheduled on 19th September, 2025 if not on subsequent date. In these circumstances as the petitioner's Appeal and stay Application are pending consideration, we are of the opinion that the appropriate orders are required to be passed either on the stay Application or pending Appeal. Let the Appeal be accordingly taken up for hearing on the next immediate day of the sitting of the Appellate Authority.

4. As it is the apprehension of the Petitioner that a demolition action is likely to be taken considering the notice dated 3rd September, 2025, we are of the opinion that till further appropriate orders are passed on the stay Application by the AGRC, the demolition action be deferred.

5. It is clarified that further action to be taken, however, shall be subject to the orders which would be passed by the AGRC. All contentions of the parties on the pending proceedings are expressly kept open.

6. The aforesaid limited protection granted by us is no expression on the rival contentions of the parties on the merits of the proceedings, AGRC shall certainly decide the proceedings on its own merits and without being influenced by the protection granted by this Court.

7. The Petition is disposed of.

[AARTI SATHE, J.]

[G. S. KULKARNI, J.]