

VRJ

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

**INTERIM APPLICATION NO.122 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

D. H. P. Galaxy CHS, Through Its Chairman, Mr. Chhotelal Jagannath Gupta	... Applicant
In the matter between	
Sandeep Patil	... Petitioner
V/s.	
State of Maharashtra & Ors.	... Respondents

**WITH
INTERIM APPLICATION NO.129 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Pranav Patil & Ors.	... Applicants
In the matter between	
Sandeep Pandurang Patil	... Petitioner
V/s.	
State of Maharashtra & Ors.	... Respondents

**WITH
INTERIM APPLICATION NO.119 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Gaondevi Heights CHS, Through Its Authorized Representative, Mr. Sanjay Rajaram Khamkar	... Applicant
In the matter between	
Sandeep Patil	... Petitioner
V/s.	
State of Maharashtra & Ors.	... Respondents

**WITH
INTERIM APPLICATION NO.125 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Shiv Sai Balaji Buildcon, Through Its Secretary, Mr. Mandar Sandeep Sakpal	... Applicant
In the matter between	
Sandeep Patil	... Petitioner
V/s.	
State of Maharashtra & Ors.	... Respondents

**WITH
INTERIM APPLICATION NO.131 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Saish Enclave CHS, Through Its Chairman, Mr. Naresh Prakash Chavan	... Applicant
In the matter between	
Sandeep Patil	... Petitioner
V/s.	
State of Maharashtra & Ors.	... Respondents

**WITH
INTERIM APPLICATION NO. 130 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Draupadi Heights CHS, Through Its Authorized Representative, Mr. Bharat Santosh Shinde	... Applicant
In the matter between	
Sandeep Patil	... Petitioner
V/s.	
State of Maharashtra & Ors.	... Respondents

**WITH
INTERIM APPLICATION NO.127 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Shree Complex Nx, Through Its
Authorized Representative, Mrs.
Pranali Suresh Ghawale ... Applicant
In the matter between
Sandeep Patil ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.121 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Gaodevi Heights, Through Its
Secretary, Mr. Ajit Ramjivan Kanojiya ... Applicant
In the matter between
Sandeep Patil ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.118 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Shantaram Arcade CHS, Through Its
Secretary, Mr. Pravin Waman
Dabhekar ... Applicant
In the matter between
Sandeep Patil ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.116 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Elite Tower CHS, Through Its
Secretary, Mr. Rahul Mohan Patole ... Applicant
In the matter between
Sandeep Patil ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.124 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Vinayk Shrushti, Through Its
Secretary, Mr. Pravin Vasant Gaikwad ... Applicant
In the matter between
Sandeep Patil ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.120 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.49 OF 2021**

Manusmruti Apartment, Through Its
Authorized Representative, Mr.
Abhishek Budheshwar Shirke ... Applicant
In the matter between
Sandeep Patil ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

Mr. Kevik Setalvad, Senior Advocate with Mr. Amey Kulkarni i/by Mr. Shivam Srivastav for the applicants in IA/124/2025, IA/127/2025 and IA/129/2025.

Mr. Mayur Khandeparkar i/by Ms. Shivani Jadhav for the applicant in IA/130/2025 and IA/120/2025.

Mr. Mayur Khandeparkar i/by Ms. Ritika Gangwani for the applicant in IA/119/2025.

Ms. Krupali Hiren Rajani i/by Ms. Nikita Bhosale for the applicant in IA/118/2025, IA/131/2025, IA/116/2025, IA/121/2025, IA/125/2025 and IA/122/2025.

Mr. O. A. Chandurkar, Additional Government Pleader for respondent Nos.1 and 3 (State).

Mr. A. S. Rao for respondent No.4.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ
& AMIT BORKAR, J.**

DATED : JANUARY 3, 2025

P.C.:

- 1.** Not on board. Upon mentioning, taken on board.
- 2.** Heard Mr. Kevik Setalvad, Senior Advocate and Mr. Mayur Khandeparkar, learned advocate for the applicants, Mr. A. S. Rao, learned advocate for the respondent-Corporation and the learned Additional Government Pleader for the State-respondents.
- 3.** By moving these interim applications, a prayer has been made that these applicants may be extended with the benefit of the order passed by this Court on 18 December 2024 on the ground that these applicants are similarly situated and circumstanced.
- 4.** Main petition, namely, PIL Petition No.49 of 2021 stood decided by means of the judgment and order dated 19 November 2024. The judgment in the main PIL Petition issued certain directions. These interim applications have been moved seeking protection that demolition of the alleged irregular construction may be deferred till the applications made by the applicants seeking regularization of irregular/illegal constructions are decided.
- 5.** Since we have already granted protection to similarly circumstanced individuals who are also like the present

applicants, we provide that till the next date of listing demolition of irregular/illegal construction pertaining to these applicants shall not be proceeded with. However, we direct that in cases where applications seeking regularization have been made, the same shall be decided by the competent authority at the earliest. We also permit that those who have been able not to make regularization applications, in respect of alleged illegal constructions, will move the competent authority under section 53 of the Maharashtra Regional and Town Planning Act, 1966 within a week and demolition of the irregular/illegal construction in respect of those applicants who have not moved the applications shall also remain stayed till the next date of listing.

6. We direct that affidavit-in-reply to all these interim applications shall be filed by the respondent-Corporation within 10 days from today, response to which, if any, may also be filed by the applicants by the next date of listing. As ordered earlier, stand over to **3 February 2025**. To be placed **High on Board**.

7. On the next date, apart from addressing the Court on merit of the applications, learned counsel appearing for the applicants are also required to make their submissions as to how in a finally disposed of petition, once the Court becomes *functus officio*, any further interim application can be entertained.

8. We also direct that the applicants in respect of each flat shall file additional affidavit giving details of the deviation of

the constructions from the norms. We also expect that the applications seeking regularization shall be decided by the competent authority expeditiously, say before 3 February 2025.

9. It has been informed that notices have been issued to the applicants for eviction. Once we have already provided in our order that till the next date of listing demolition shall not be proceeded with, it needs no clarification that even eviction shall not be effected by the next date of listing.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)