

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1953 of 2025

KANNAMWAR NAGAR SHREE KRISHNA
COOPERATIVE HOUSING SOCIETY LTD.

...Petitioner

VS.

STATE OF MAHARSHTRA THROUGH
DEPARTMENT OF HOUSING & Ors.

...Respondents

Mr. Shakeeb Shaikkh with Hamid Ahmad i/b. Ashraf Diamondwala, for
Petitioner.

Ms. Sheetal Malvankar, AGP for State.

Mr. Akshay P. Shinde, for Respondent Nos.4 to 7.

Mr. Shyamrishi Pathak with Mr. Gauresh Singh, for Respondent Nos.10, 15, 16,
19.

Ms. Mansi Bhalerao i/b. Bhushan Vardhamane, for Respondent Nos.9, 10, 12,
13, 14.

Mr. Ramdas Hake Patil with Meena Dhuri i/b. Komal Punjabi, for BMC.

Mr. Sushant Ramesh Patil, Road Engineer, 'S' Ward present.

Mr. Amol Rameshrao Wankhade, License Inspector, 'S' Ward present.

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

DATE: 06 OCTOBER 2025.

P.C.

1. On the backdrop of our order dated 2 September 2025 and the subsequent order dated 22 September 2025, we direct the officer in charge of the concerned police station to grant police protection to the municipal corporation for undertaking an action to remove the unauthorized encroachment on the pavement / footpath. Let appropriate action in that regard be taken in accordance with law.

2. List the proceedings for compliance on 15 October 2025. Any non compliance of the orders passed by this Court in not granting police protection

by the officer in charge of the concerned police station as requested by the Corporation for undertaking demolition on 13 October 2025, shall be considered as breach of the orders passed by this Court. A copy of this order be also served on the Officer in Charge of the concerned Police Station.

3. At this stage learned Counsel for respondent Nos.15 and 19, on instructions of his clients who are present in the Court, makes a statement that the encroachment by these respondents on the pavement shall be removed by them within two days from today. In any event, it shall be removed on or before 10 October 2025. A compliance affidavit in that regard be placed on record and a copy of the same be also served on the Advocate for the petitioners and Advocate for the Municipal Corporation.

4. Insofar as the other encroachment is concerned, the Corporation shall proceed to take action in accordance with law and remove the encroachments and more particularly, considering the observations as made by this Court in “**Tivoli Co.Hsg. Society & Anr. Vs. Municipal Corporation of Gr. Bombay & Ors.**”¹

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)

¹ Writ Petition(l) No.14989 of 2025, decision dt.07/07/2025