



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1372 OF 2025

IN

WRIT PETITION NO. 2877 OF 2025

Dayaram S/o Natthu Botre and Ors.

Vs.

State of Maharashtra, Thru. Its Secretary, Rural Development Department,
Mantralaya, Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.D. Chande, Advocate for petitioners.
Mr. D.P. Thakare, AGP for respondent Nos.1 to 3.
Mr. J.B. Kasat, Advocate for respondent No.6.
Mr. Makrand Rajkondawar, Advocate for respondent
No.7.
Mr. S.M. Puranik, Advocate for respondent No.8 with
connected PIL No.23/2024.
Mr. V.P. Maldhure, Advocate for respondent No.13 with
connected PIL No.23/2024.
Mr. S.S. Sanyal, Advocate for respondent No.14 with
connected PIL No.23/2024.

**CORAM : NITIN W. SAMBRE AND
SACHIN S. DESHMUKH, JJ.**

DATE : 02.07.2025.

This application is taken out by the
respondent, seeking vacation of the order dated
06.06.2025, wherein a concession was recorded at
the behest of the learned Assistant Government

Pleader, who had appeared at the relevant time in the matter.

2. We have perused the reasons cited in the application.

3. We are convinced that the statement which is made by the learned Assistant Government Pleader at the relevant time, was out of communication gap and such statement is contrary to the orders passed in Public Interest Litigation No.23/2024.

4. That being so, we deem it appropriate to recall the order dated 06.06.2025 to the extent of granting interim protection, whereby a statement was made that no coercive action shall be taken against the petitioner.

5. However, this will not repel the petitioner from arguing his prayer for grant of ad-interim or interim relief protecting his structure which is sought to be removed.

6. The civil application stands allowed in above terms and disposed of accordingly.

7. As far as the learned counsel for the petitioner submits that the house in question was allotted to the petitioner under Indira Awas Yojana, when confronted, we tried to pass the papers to that effect, across the bar.

8. Such documents cannot be accepted in absence of their being supporting pleadings and also notice to the other side.

9. As such, we deem it appropriate to permit the petitioner to file an additional affidavit along with documents within a period of one week from today.

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Stand over to 09.07.2025.

(Sachin S. Deshmukh, J.)

(Nitin W. Sambre, J.)