IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4575 OF 2026

Tukaram Jagannath Bawlekar … Petitioner
V/s.
The State Of Maharashtra & Ors. … Respondents

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Mr. Ketaki Uttam Patil with Mr. Sahil Ghorpade, Advocate for Petitioner.
Mr. Yuvraj Narwankar with Mr. Anushka Mule, Advocate for Respondent No.3.
Mr. P. P. Kakade, additional G.P. with Mr. K. S. Thorat, B panel counsel.

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CORAM : ABHAY AHUJA &
NEERAJ P. DHOTE, JJ.
DATE : 16th OCTOBER, 2026

P.C. :

1. When the matter is called out, Mr. Yuvraj Narwankar, learned counsel appearing for Respondent No.3 – Municipal Council, submits that he has taken instructions from the Municipal Council and that this Court may direct the hearing of the representation made by the Petitioner and, consequently, direct de-sealing of the said structures.

2. On 15th October 2026, this Court had passed the following order:

> *"1. When the matter is called out, Ms. Patil, learned Counsel appears for the Petitioner and at the outset*

apologizes and submits that on 11th September 2026, a statement was made that the construction is not in the eco-sensitive zone however, the same was made on the basis of incomplete instructions and recently proper instructions have been received to submit that the construction is in fact in the eco- sensitive zone and that this Court may accept the said submission.

2. Ms. Patil further submits that, the sealing of the structure viz. four rooms out of the seven rooms has been without any notice, order or hearing and the same is ex-facie against the principles of natural justice. Ms. Patil submits that although, an application for regularization of the structures has been preferred on 2nd September 2026 which is at page 80 to the Petition that would not give authority or a license to the Municipal Council to seal the four out of the seven rooms.

3. Mr. Narvankar, learned Counsel appearing for Respondent No. 3 – Mahabaleshwar Giristhan Municipal Council seeks some time to take instructions on the same including the de-sealing of the said structure.

4. Let instructions be taken by the next date.

*5. List on **16th October 2026** on the **Supplementary Board**.*

6. The status-quo granted earlier to continue till the next date."

3. Since Mr. Yuvraj Narwankar, learned counsel appearing for Respondent No.3, has taken instructions, let the Petitioner make an appropriate representation before Respondent No.3- Municipal Council

within a period of one week and thereafter let the Respondent No.3-Municipal Council decide the said representation, including the application for regularization of structures dated 2nd September 2026, at page No.80 of the Petition, within a period of six weeks, after giving an opportunity of hearing to the Petitioner.

4. The sealed structures of the Petitioner shall be de-sealed immediately/forthwith.

5. The *status quo* order granted earlier also to stand vacated.

6. After the conclusion of the hearing and the passing of the order with respect to the representation as well as the application for regularization, in the event the Municipal Council decides against the Petitioner, the Municipal Council to give at least 15 days' notice to the Petitioner before taking any coercive action.

7. The Writ Petition to accordingly stand disposed as above.

(NEERAJ P. DHOTE, J) **(ABHAY AHUJA, J.)**