

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

WRIT PETITION NO.14361 OF 2025

Rakesh Rajendrakumar Agarwal & Anr.Petitioners

Versus

State of Maharashtra and Ors.Respondents

Mr. Kishor Patil a/w. Mr. Amol Mhatre and Ms. Sonal Dabholkar
for the Petitioners.

Mrs. G.R. Raghuwanshi, AGP for Respondent No.1.

Ms. Swati Sagvekar for Respondent Nos.2 and 3.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 19th JANUARY, 2026

P.C. :-

1. We have heard the learned Advocate for the Petitioners
and the learned Advocate for the Corporation.

2. According to the Petitioners, Respondent No.5 has
indulged in the erection of an unauthorised structure. However,
Respondent No.5 has approached the Civil Court by filing Regular
Civil Suit No.44 of 2023, and her Exhibit '5' application is pending
for decision. The declaration made by the Corporation on
22nd December, 2023 that Respondent No.5 has erected an illegal
structure is not the subject matter of the said Suit.

3. Since Respondent No.5 has already preferred a Suit and her Exhibit '5' application seeking interim protection/injunction is pending, we do not deem it appropriate to deal with this Petition wherein the Petitioners have prayed for demolition of the offending structure. Needless to state, all contentions of the litigating parties are kept open, as the Suit is pending adjudication.

4. With the above observations, **this Petition is disposed off.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)