

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 5076 OF 2026

Jamil Khawaja Akhtar

...Petitioner

Vs.

1. The State of Maharashtra
Thru G. P.

2. The Divisional Officer

3. Tehsildar, Taluka – Maval
Vadgaon, District – Pune

4. Yogesh Machindar Mapari

5. Dhanu Machendra Mapaari

...Respondents

Adv. Ashok Mishra a/w Adv. Shabnam Shaikh and Adv. Shubham
Mishra - Advocate for the Petitioner
Smt. R. A. Salunkhe – AGP for the Respondent-State

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATE : 17th APRIL 2026

P. C. :-

1. Heard learned counsel for the Petitioner.
2. The challenge in this petition is to notice dated 10th April 2026,
issued by the Circle Officer, Kusgaon Budruk, Taluka Maval, District

Pune, in respect of the structure allegedly constructed unauthorizedly by the Petitioner. It is contention of the Petitioner that the order has been passed without hearing the Petitioner and without giving any opportunity of making representation.

3. The learned AGP submitted that against the impugned order, there is remedy of approaching the Tahsildar.

4. The learned counsel for the Petitioner, on instructions, submitted that he would approach the Tahsildar, however, it is submitted that demolition is scheduled today at 12.30 p.m..

5. We find that even civil Suit has been filed by the Petitioner before the Civil Court, Senior Division, Vadgaon Maval and suit is pending. It is submitted that in the suit, notice dated 10th April 2026 is not under challenge.

6. In such view of the matter, we are inclined to grant limited protection to the Petitioner. It is accordingly directed that no coercive steps against the Petitioner be taken for a period of four weeks from today

7. The Petitioner may adopt appropriate remedy challenging the notice dated 12th April 2026. The remedy which is availed of shall be

decided on its own merits and in accordance with law.

8. We have not made any observations on the merits of the matter.

In respect of the civil Suit, we have not made any observations. The suit has to proceed on its own merits and in accordance with law.

9. With the above observations, the Writ Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)