

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

WRIT PETITION NO.3026 OF 2026

Mangesh Dattatray Raut and ors.

..Petitioners

Versus

The State of Maharashtra & ors.

..Respondents

Mr. Sachindra Shetye a/w Mr. Saakshat Relekar i/b. Mrs. Kalpana Chate for the Petitioners.

Ms. Kavita N. Salunke, Addl. GP for the Respondent – State.

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

DATE : 6th MARCH 2026

PC :

1. Heard the learned counsel for the Petitioners.
2. The Petitioners are occupying a structure which, according to the Respondents, is situated on a Government land.
3. The impugned order is passed in compliance with the directions passed by this Court on 31st January, 2014, in Public Interest Litigation No.24 of 2013 in the case of ***Sunil W. Mali Vs. The State of Maharashtra and ors.***
4. The learned counsel for the Petitioners submitted that

the State of Maharashtra has issued Government Resolution dated 24th February, 2022, for regularization of the unauthorized structures. According to the learned counsel for the Petitioners, the Petitioners' case squarely falls within the parameter set out in Government Resolution dated 24th February, 2022.

5. It is also pointed out by the learned counsel for the Petitioners that an Appeal was filed before the Additional Commissioner, Kokan Division, Mumbai, against the order passed by the Tahashildar, Khalaur, on 13th April, 2017. The Additional Commissioner by the order dated 12th October, 2018, remanded the matter back to the Tahshildar, Khalapur, for a fresh consideration of the representation / application made by the Petitioners for regularization of the encroachments, which proceedings are still pending. Even before a decision by the Tahshildar, the Respondents have now, by the impugned order, initiated action for the demolition of the structure which is in the occupation of the Petitioners.

6. *Prima facie*, a case is made out for grant of interim relief, as the Petitioners have been occupying the structure for the past many years. The Application/representation for regularization of encroachment is still pending.

7. In such view of the matter, the impugned order 23rd February, 2026, which is annexed at page No.89 of the paper book, shall remain stayed till the next date.

8. Issue notice to the Respondents returnable on 7th April, 2026. The learned AGP waives service of notice on behalf of Respondent Nos.1 to 4.

9. The learned counsel for the Respondents seeks two weeks' time to file Affidavit-in-Reply in response.

10. List the matter on **7th April, 2026**.

(S.M. MODAK, J.)

(M. S. KARNIK, J.)