

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL SIDE APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 449 OF 2024
WITH
INTERIM APPLICATION NO. 9528 OF 2024
IN
APPEAL FROM ORDER NO. 449 OF 2024

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Guruprasad Rambharosse Kanojia

...Appellant
(Orig. Plaintiff)

Versus

1. The State of Maharashtra
through Deputy Collector (ENC./REM.)
2. Executive Engineer (Building and
Factory Department)
3. Tahsildar (ENC/REM), Andheri

...Respondents
(Orig. Defendants)

Mr. Prasad Apte with *Mr. Parth K. Mehta and Mr. Bhavesh Joshi, for Appellant.*

Mr. D.J. Haldankar, AGP, for Respondent Nos. 1 to 3-State.

CORAM: SOMASEKHAR SUNDARESAN, J.

Date : December 21, 2024
(Vacation Court)

P. C.

1. This matter has been mentioned for urgent intervention seeking protection from the demolition of premises occupied by the Appellant for nearly four decades. I granted circulation for today in view of the urgency expressed.

2. It is seen from the record that in March 2024, demolition had been proposed with 48 hours notice. The Appellant moved the trial court for urgent injunction which was denied by way of the Impugned Order dated March 21, 2024. It is seen that an appeal was promptly filed in April 2024, and indeed, through the year, multiple efforts were made by the Appellant to mention the matter and have it heard.

3. Considering the fact that since March 2024, no demolition was carried out, there is no grave urgency to carry out the demolition on December 23, 2024 when the Court is on vacation. What has not been acted upon for nine months, when there was no injunction against demolition, can wait for another ten days.

4. When this was put to the Learned Counsel for the Respondents, upon taking instructions, he submitted that the demolition would be postponed to a date in January after the vacation is over. In this view of the matter, stand over to January 6, 2025 before the Regular Bench.

5. It is made clear that this purely a *pro tem* arrangement and that nothing contained in this order is an expression of an opinion on merits of the case.

6. Liberty to either parties to mention in view of the urgency for the demolition having been expressed.
7. Needless to clarify that it is only the Appellant who is before the Court and no party that is not before the Court can claim the benefit of the deferment of the demolition.
8. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]