

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 16468 OF 2025**

Girish Munshi Vishwakarma & Anr ...Petitioners

Versus

State of Maharashtra & Ors ...Respondents

Mr. Sagar Batavia, for the Petitioners.

Mr. Shivprasad D. Borade, for the Respondent No.3-BMC.

**CORAM : GAURI GODSE AND
SOMASEKHAR SUNDARESAN, JJ.**

**DATE : MAY 31, 2025
(VACATION COURT)**

PC :

1. This is petition is urgently taken up as there is threat of demolition.

2. Learned Counsel for the Petitioners points out that pursuant to a public notice (Exhibit 'I'), the structures belonging to the Petitioners are sought to be demolished. He submits that the Petitioners' structures are protected as they are in existence prior to the datum line i.e. January 1, 2000. He submits that Petitioner No.2 is residing in room no.4 and Petitioner no.1 is residing in room no. 6. He relies upon the documents on pages 38, 80 and 82 to support his submissions that the

structures belonging to both the Petitioners are in existence prior to the datum line. He further submits that the Annexure II indicating the list of ineligible and eligible occupants, is neither published nor supplied.

3. Learned Counsel for the Corporation submits that the final Annexure II showing the list of eligible and ineligible occupants is already published. However, he has no instructions as to when it was published.

4. The question to be decided is whether under the scheme sought to be implemented for road widening, the structures if in existence prior to January 1, 2000 would be protected.

5. *Prima facie* we find that the documents relied upon by the Petitioners indicate that their structures are in existence prior to the datum line i.e. January 1, 2000.

6. Learned Counsel for the Corporation seeks time to take instructions and place on record the procedure that is adopted by the Corporation for demolishing the structures for road widening.

7. List the petition on June 3, 2025. Till then the Petitioners' structures shall not be demolished.

8. Learned Counsel for the Petitioners on instructions submits that till now i.e. 5:00 p.m., the structures are not demolished.

9. In the event, the structures are already demolished, the Corporation shall place on record the relevant record including panchanama recording the demolition of the Petitioners' structures after following due process.

10. List the petition on June 3, 2025.

[SOMASEKHAR SUNDARESAN, J.]

[GAURI GODSE, J.]