

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1638 OF 2026

Swapnil Dadaso Vaydande Thr
Dadaso Babaso Vaydandeand Ors
Versus

...Petitioners

The Sangli Miraj Kupwad City Municipal
Corporation Thr. Its Commissioner And Ors

...Respondents

.....

Mr. Kuldeep Nikam a/w. Pratik Patil, Advocate for petitioners.

Ms. Tejas J. Kapre, AGP for respondent no.3.

Kirankumar J. Phakade, Advocate for respondent nos. 1 & 2.

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**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 7th MAY, 2026.

P.C. :

1. Heard Mr. Nikam, learned counsel for the petitioners, Mr. Phakade, learned counsel for respondent Nos. 1 and 2 – Sangli, Miraj and Kupwad City Municipal Corporation, and Ms. Kapre, learned AGP for respondent No. 3 – State.

2. In the present petition filed under Article 226 of the Constitution of India, the petitioners are seeking the following reliefs in terms of prayer clauses (a), (b), (c) and (d). The said prayer clauses read as under:

“(a) This Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of Writ, against the Respondents thereby directing the Respondents to scrupulously follow the directions in the decision of the Hon'ble Apex Court in Re: DIRECTION IN THE MATTER OF DEMOLITION STRUCTURE WP (C) NO(S). 295/2022; OF

b) The Petitioners may kindly be allowed to reconstruct the structure of their shop premises which was illegally demolished by the Respondent Corporation;

c) That the Respondent Corporation and / or the office bearers of the Respondent Corporation who are responsible for the subject concern illegal demolition of the shop premises of the Petitioner may kindly be directed to pay appropriate compensatory cost to each of the Petitioners;

d) This Hon'ble Court may be pleased to issue a writ of certiorari or any other appropriate writ or direction in the nature of writ thereby quash and set aside the impugned demolition proceeding in respect of the subject shop premises of the Petitioners particularly described in Exhibit 'A' being illegal;”

3. It is the submission of Mr. Nikam, learned counsel for the petitioners, that the impugned action taken by respondent – Sangli, Miraj and Kupwad City Municipal Corporation is contrary to the directions issued by the Hon'ble Supreme Court under Article 142 of the Constitution of India in case of In Re : Directions in the matter of demolition of structures¹.

4. On the other hand, Mr. Phakade, learned counsel for respondent Nos. 1 and 2 – Sangli, Miraj and Kupwad City Municipal Corporation, states that there was no intention to violate the order of the Hon'ble Supreme Court and tenders an affidavit of the Deputy Commissioner of the Sangli, Miraj and Kupwad City Municipal Corporation containing an unconditional apology. The said unconditional apology is accepted.

5. Mr. Nikam, learned counsel for the petitioners, on instructions,

¹ (2025) 5 SCC 1.

states that as the unconditional apology is tendered the petitioners are not pressing prayer clause (c).

6. The writ petition is allowed in terms of prayer clauses (a), (b) and (d).

7. Accordingly, the writ petition is disposed of in the above terms with no order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]