

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION [ST.] NO. 3915 OF 2026

Giridharlal Mahilomal Chawla. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 3916 OF 2026

Nanak Parshram Ahuja. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 3918 OF 2026

Rekha Mohan Kukareja. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 3919 OF 2026

Sanjay Hemandas Chugani and Others. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 3921 OF 2026

Indar Hemandas Chugani. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4033 OF 2026

Sumit Hareshlal Narsinghani. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4031 OF 2026

Shankar Govindram Panjabi. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4012 OF 2026

Dr. Prakash Girharilal Keswani. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4013 OF 2026

Vinod K. Kushalani. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4023 OF 2026

Sajerao Ramchandra Manade. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4022 OF 2026

Rita Gopal Gogiya. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4024 OF 2026

Archana Nitin Patil. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4021 OF 2026

Nitesh Govindrao Nirankari. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND
WRIT PETITION [ST.] NO. 4014 OF 2026

Balasaheb Ramchandra Manade. ...Petitioner.

Versus
The State of Maharashtra and Others. ...Respondents.

AND
WRIT PETITION [ST.] NO. 4032 OF 2026

Shamlal Namlaram Vanjani. ...Petitioner.

Versus
The State of Maharashtra and Others. ...Respondents.

AND
WRIT PETITION [ST.] NO. 4028 OF 2026

Ashok Tekchand Khubchandani. ...Petitioner.

Versus
The State of Maharashtra and Others. ...Respondents.

AND
WRIT PETITION [ST.] NO. 4020 OF 2026

Kiran Hareshlal Narsinghani. ...Petitioner.

Versus
The State of Maharashtra and Others. ...Respondents.

AND
WRIT PETITION [ST.] NO. 4039 OF 2026

Vinod Mulchand Narsinghani. ...Petitioner.

Versus
The State of Maharashtra and Others. ...Respondents.

AND
WRIT PETITION NO. 1998 OF 2026

Ashok H. Chandwani. ...Petitioner.

Versus
The State of Maharashtra and Others. ...Respondents.

AND
WRIT PETITION NO. 1995 OF 2026

Deepak L. Motwani. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 2001 OF 2026

Sunil Bhagchand Katyar. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION NO. 1997 OF 2026

Ashok D. Motwani. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4019 OF 2026

Ravi Sahajram Ahuja. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4018 OF 2026

Balram Bhilchand Gangwani. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4016 OF 2026

Anandpur Trust. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 4017 OF 2026

Mohan Jayram Ahuja. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

AND

WRIT PETITION [ST.] NO. 3812 OF 2026

Krish Suresh Jevrani.

...Petitioner.

Versus

The State of Maharashtra and Others.

...Respondents.

Mr. Amit Sale i/b Mr. Aditya Raktade, Mr. Sumit S. Vhanbatte and Mr. Sudhir N. patil for the Petitioners in WP (st) No. 3915/26, 3916/26, 3918/26, 3919/26, 3921/26, 4033/26, 4031/26, 4012/26, 4013/26, 4023/26, 4022/26, 4024/26, 4021/26, 4014/26, 4032/26, 4028/26, 4020/26 and 4039/26.

Mr. Satyajit Chavan for the Petitioner in WP (st) No.4019/26, 4018/26, 4016/26, 4017/26, 3812/26 and WP Nos. 1998/26, 1995/26, 2001/26 and 1997/26.

Mr. V. M. Mali, AGP for the Respondent-State WP (st) No. 3915/26, 3916/26, 3918/26, 3919/26, 3921/26, 4033/26, 4031/26, 4012/26, 4013/26, 4023/26, 4022/26, 4024/26, 4021/26, 4014/26, 4032/26, 4028/26, 4020/26 and 4039/26.

Ms. T. J. Kapre, AGP for the Respondent-State in WP (st) No. 3915/26, 3916/26, 3918/26, 3919/26, 3921/26, 4033/26, 4031/26, 4012/26, 4013/26, 4023/26, 4022/26, 4024/26, 4021/26, 4014/26, 4032/26, 4028/26, 4020/26 and 4039/26.

Mr. Abhijit M. Adagule for the Respondent-Corporation in all petitions.

Coram : Madhav J. Jamdar & Pravin S. Patil, JJ.

Date : May 7, 2026.

P. C. :

1. Not on board. Upon mentioning, taken on production board.
2. In all these petitions, the issue raised is as regards the notice issued by Kolhapur Municipal Corporation under Sections 52 and 53 of the Maharashtra Regional and Town Planning Act, 1966. It is the contention of the Petitioners that the notices impugned in all these matters are in violation of the directions given by the Hon'ble Supreme Court ***In Re : Directions in the matter of demolition of structures***¹.

¹ (2025) 5 SCC 1.

3. In all these matters, notice issued is either of 7 days or 10 days.
4. The directions given by the Hon'ble Supreme Court *In Re : Directions in the matter of demolition of structures* are in paragraph Nos. 93 to 97.

“93. In order to allay the fears in the minds of the citizens with regard to arbitrary exercise of power by the officers/officials of the State, we find it necessary to issue certain directions in exercise of our power under Article 142 of the Constitution. We are also of the view that even after orders of demolition are passed, the affected party needs to be given some time so as to challenge the order of demolition before an appropriate forum. We are further of the view that even in cases of persons who do not wish to contest the demolition order, sufficient time needs to be given to them to vacate and arrange their affairs. It is not a happy sight to see women, children and aged persons dragged to the streets overnight. Heavens would not fall on the authorities if they hold their hands for some period.

94. At the outset, we clarify that these directions will not be applicable if there is an unauthorised structure in any public place such as road, street, footpath, abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a court of law.

A. Notice

94.1. No demolition should be carried out without a prior show-cause notice returnable either in accordance with the time provided by the local municipal laws or within 15 days' time from the date of service of such notice, whichever is later.

94.2. The notice shall be served upon the owner/occupier by a registered post A.D. Additionally, the notice shall also be affixed conspicuously on the outer portion of the structure in question.

94.3. The time of 15 days, stated herein above, shall start from the date of receipt of the said notice.

94.4. To prevent any allegation of backdating, we direct that as soon as the show-cause notice is duly served, intimation thereof shall be sent to the office of Collector/District Magistrate of the district digitally by email and an auto generated reply acknowledging receipt of the mail should also be issued from the office of the Collector/District Magistrate. The Collector/DM shall designate a Nodal Officer and also assign an email address and

communicate the same to all the municipal and other authorities in charge of building regulations and demolition within one month from today.

94.5. The notice shall contain the details regarding:

- (a) The nature of the unauthorised construction.
- (b) The details of the specific violation and the grounds of demolition.
- (c) A list of documents that the noticee is required to furnish along with his reply.
- (d) The notice should also specify the date on which the personal hearing is fixed and the designated authority before whom the hearing will take place.

94.6. Every municipal/local authority shall assign a designated digital portal, within 3 months from today wherein details regarding service/pasting of the notice, the reply, the show-cause notice and the order passed thereon would be available.

B. Personal hearing

94.7. The designated authority shall give an opportunity of personal hearing to the person concerned.

94.8. The minutes of such a hearing shall also be recorded.

C. Final Order.

94.9. Upon hearing, the designated authority shall pass a final order.

94.10. The final order shall contain:

- (a) The contentions of the noticee, and if the designated authority disagrees with the same, the reasons thereof.
- (b) As to whether the unauthorised construction is compoundable, if it is not so, the reasons therefor.
- (c) If the designated authority finds that only part of the construction is unauthorised/non-compoundable, then the details thereof.
- (d) As to why the extreme step of demolition is the only option available and other options like compounding and demolishing only part of the property are not available.

D. An opportunity of appellate and judicial scrutiny of the final order

94.11. We further direct that if the statute provides for an appellate opportunity and time for filing the same, or even if it does not so, the order will not be implemented for a period of 15 days from the date of receipt thereof. The order shall also be displayed on the digital portal as stated above.

94.12. An opportunity should be given to the owner/occupier to remove the unauthorised construction or demolish the same within a period of 15 days. Only after the period of 15 days from the date of receipt of the notice has expired and the owner/occupier has not removed/demolished the unauthorised construction, and if the same is not stayed by any appellate authority or a court, the authority concerned shall take steps to demolish the same. It is only such construction which is found to be unauthorised and not compoundable shall be demolished.

94.13. Before demolition, a detailed inspection report shall be prepared by the authority concerned signed by two panchas.

E. Proceedings of demolition

94.14. The proceedings of demolition shall be videographed, and the authority concerned shall prepare a demolition report giving the list of police officials and civil personnel that participated in the demolition process. Video recording to be duly preserved.

94.15. The said demolition report should be forwarded to the Municipal Commissioner by email and shall also be displayed on the digital portal.

95. Needless to state that the authorities hereinafter shall strictly comply with the aforesaid directions issued by us.

96. It will also be informed that violation of any of the directions would lead to initiation of contempt proceedings in addition to the prosecution.

97. The officials should also be informed that if the demolition is found to be in violation of the orders of this Court, the officer/officers concerned will be held responsible for restitution of the demolished property at his/their personal cost in addition to payment of damages.”

5. In view of the directions given by the Hon'ble Supreme Court ***In Re : Directions in the matter of demolition of structures*** (supra) as reproduced hereinabove, Mr. Adgul, learned Counsel appearing for the Respondent-Corporation, on instructions, states that the Respondent-Corporation will issue fresh notices to all the persons and will not act on the notices already issued.

6. Accordingly, all these petitions are disposed of in terms of the statement made by learned Counsel appearing for the Respondent-Corporation on instructions.

7. Needless to observe that Kolhapur Municipal Corporation will follow all the directions given by the Hon'ble Supreme Court ***In Re : Directions in the matter of demolition of structures*** (supra).

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]