

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1684 OF 2026

Vasant Bahar Co-operative Housing
Society Ltd. & Anr.

... Petitioners

V/s.

Aparna Dattakumar Vaidya & Ors.

... Respondents

Mr. Girish Agrawal, a/w Adv. Chitra Darekar for for the Petitioners.

Mr. Sandeep Sharma for Respondent No.1.

Adv. Akshay Naidu, a/w Adv. Pradip Patil for Respondent No.2 -Ambernath
Municipal Council.

Mr. A. I. Satpute, APP, for the Respondent-State.

Mr. Pramod Patil, Sr. PI., Shivaji Nagar Police Station, Ambernath (E),
Thane, present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 24th September, 2026

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P.C.:-

1) By this Petition the Petitioner No.1 Society and Others are seeking a writ of mandamus or any other appropriate writ under Article 226 to direct Respondent No.3 to provide adequate police protection to carry out demolition of the building more specifically mentioned in prayer clause (a) of the Petition.

- 2) Heard Mr. Girish Agrawal for the Petitioners, Mr. Sandeep Sharma for Respondent No.1, Mr. Akshay Naidu for Respondent No.2 and Mr. A. I. Satpute, APP for the Respondent-State.
- 3) Record indicates that, the suit building has already been declared as dilapidated structure and dangerous for human occupation. Out of a total of 14 members of the society, 13 members have already vacated the said building in or about May 2025. Respondent No.1 alone is resisting the demolition by not vacating her own flat.
- 4) We had asked Respondent No.1's Advocate yesterday to impress upon his clients to voluntarily vacate the flat within a reasonable period and listed the matter today for instructions. Today, the learned Advocate submitted that, the Court may pass the appropriate orders. We therefore are compelled to pass the following order.
- 5) Perusal of record indicates that the building is in a dilapidated condition and if collapses it may cause enormous harm to the life and limb of not only to the Respondent No.1 but even to the passers by or the persons residing in the adjoining buildings.
- 6) The vacation of suit flat is resisted on various frivolous grounds which are not acceptable to us. We cannot permit the other 13 flat owners of the suit building to continue suffering indefinitely on account of the resistance offered by Respondent no.1 for her own personal interests. Such conduct which is akin to holding others at ransom is wholly impermissible.

7) In view of the above, we direct the Deputy Commissioner of Police having territorial jurisdiction over Shivaji Nagar Police Station, Ambarnath to immediately provide sufficient and adequate police protection to the officers of Respondent No.2 for performing their lawful duty of demolition of the suit building. In the event, the Respondent No.1 resists the demolition the police authorities are at liberty to adopt necessary measures while adopting legal procedure in that behalf to evict them forthwith.

8) The Petition is accordingly allowed in the aforesaid terms.

9) The demolition be undertaken immediately after receipt of this order duly authenticated. All the concerned to act on an authenticated copy of this order.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)