

ITEM NO.26

COURT NO.6

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWrit Petition(s)(Civil) No(s). 755/2026

JIVANAM DEVELOPERS PVT. LTD.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

FOR ADMISSION

IA No. 178172/2026 - EXEMPTION FROM FILING O.T.

IA No. 178171/2026 - STAY APPLICATION

Date : 10-06-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

(PARTIAL COURT WORKING DAYS BENCH)

For Petitioner(s) :

Mr. Amit Rawal, Sr. Adv.

Mr. Amit Kumar, Adv.

Mr. Ashish Pandey, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Learned senior counsel for the petitioner refers to the order passed by this Court in Civil Appeal Nos. 10928-937/2024 wherein, this Court has observed thus;

"21. It may not be out of context that before any action for demolition or eviction of constructions is undertaken in respect of any building which may have been constructed in violation of the building bye-laws or with some deviations,

the approach of the Authorities should first be oriented towards regularization/compounding within the existing framework, particularly, where projects /constructions have a public interest bearing or involves rights of innocent third parties who have substantially invested in such projects.

22. It is the bounden duty of the Authorities and the Courts in such cases to sincerely explore the possibility to modify their actions towards preservation and regularization by compounding rather than in preferring to demolish the constructions or to evict the stake holders from there."

2. It is also submitted by him that without undertaking any aeronautical study, demolition of 13th to 15th floor of the subject building is neither desirable nor legal. He further submits that if the subject floors are demolished, the petitioner, who is the new developer stepping into the shoes of the earlier developer who has constructed the building, would suffer irreparable loss.

3. Issue notice, returnable on 25th June, 2026.

4. In addition, service through dasti mode is also permitted.

5. In the meanwhile, demolition of 13th to 15th floor of the subject building, shall remain stayed.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)