

ITEM NO.57

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 18834/2025

[Arising out of impugned final judgment and order dated 08.04.2025 passed by the High Court of Judicature of Bombay in Writ Petition (Stamp) No. 12959 of 2025)]

HAZRAT SAATPEER SAYED BABA DARGAH

Petitioner(s)

VERSUS

NASHIK MUNICIPAL CORPORATION & ANR.

Respondent(s)

Date : 16-04-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Navin Pahwa, Sr. Adv.
Mr. Jasmeet Singh, AOR
Mr. Pranav Menon, Adv.
Mr. Vivek Punjabi, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Mr. Navin Pahwa, learned senior counsel appearing on behalf of the petitioner submits that there is an urgency in this matter as the property in question, a religious structure could be demolished. He would further submit that a writ petition (Stamp) No. 12959 of 2025 under Article 226 of the Constitution is filed before the High Court of Judicature at Bombay on 07.04.2025 and he has been waiting for listing of the case since 08.04.2025. It is specifically stated that the High Court has declined to list the matter ever since.

2. Today, i.e., on 16.04.2025, this matter is listed before this

Court for admission without any impugned order. The statement made in the synopsis of the Special Leave Petition is extracted hereinbelow:

"L. A Writ Petition bearing Writ Petition (Stamp) No. 12959 of 2025 was filed by the Petitioner before the Hon'ble Bombay High Court on 07/04/2025 seeking to quash and set aside notice dated 01/04/2025 and also sought for the stay on the said notice.

M. The said Writ Petition was mentioned before the Hon'ble Bombay High Court by way of a praecipe on 08/04/2025 seeking urgent circulation for 09/04/2025 for interim relief sought in the Petition and more particularly a stay to the notice dated 01/04/2025 issued by the Nashik Municipal Corporation.

However, urgent listing of the said writ petition was refused by the Hon'ble Bombay High Court and circulation seeking urgent and interim relief for 09/04/2025 was rejected. The urgency in the hand is that the impugned notice before the Hon'ble Bombay High Court is that the religious structure will have to be demolished within a period of 15 days which means that the Corporation would demolish the religious structure on 15/04/2025 if the directions contained in the notice are not complied with by the present Petitioner."

3. We are unable to understand as to what transpired from 9th of April till today. Learned counsel submits that they have been trying every day.

4. Issue notice.

5. Dasti, in addition, is permitted.

6. List the case for hearing on 21.04.2025.

7. In the meanwhile, there shall be a stay of notice dated 01.04.2025 issued by the respondent no. 1-Nashik Municipal Corporation as prayed for.

8. We have taken this extraordinary measure in view of the specific statement of the learned senior counsel that efforts were made every day for getting the case listed. We are unsure of the statement made and that the High Court would not have listed the case despite repeated request. This is a serious statement and the learned counsel shall take and feel responsibility of the consequence of such a statement.

9. We direct the Registrar General of the High Court of Judicature at Bombay to send a report about the listing of Writ Petition.

10. List on 21.04.2025.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)