

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5322 OF 2015

Pandurang Vitthalrao Dak .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri Sudhir G. Bhalerao, Advocate for the Petitioner.

Shri S. M. Jadhav, A. G. P. for Respondent Nos. 1 and 2.

Shri A. S. Bajaj, Advocate for the Respondent No. 3.

Shri A. M. Karad, Advocate for the Respondent No. 4.

Shri U. R. Aute h/f Shri S. B. Talekar, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 16TH JULY, 2015.

PER COURT :

1. We have heard Mr. Bhalerao, the learned counsel for the petitioner, so also, learned counsel for respondents.

2. During the course of submissions, it has been pointed out that, petitioner has already filed a dispute before the Co-operative Court seeking declaration that, he is a plot holder and the said plot should not be transferred / alienated by the opponents 1 to 11 in the said dispute. It is submitted that, even application for temporary injunction is filed in the said dispute and the same is rejected.

3. One of the ground of the petitioner is that, though the petitioner was the Chief Promoter, he is illegally expelled and the permissions which are granted, are without his signature. So also, initially the construction permission granted was stayed by the authority. Subsequently, it has been granted in the revised manner without hearing the petitioner.

4. First of all the petitioner will have to establish his right about he being the Chief Promoter / plot holder. The said dispute is already subjudice before the Co-operative Court in a dispute filed by the petitioner bearing Dispute No. 221 of 2013. All other aspects would be dependent upon the same

5. As the matter is already subjudice before the Co-operative Court, we are not inclined to entertain the petition at this stage.

6. The writ petition is accordingly disposed of. We make it clear that, we have not considered other contentions on merits, in view of the pendency of the proceedings before the Co-operative Court.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]