

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6003 OF 2014

Gram Panchayat, Uchgaon,]
Taluka Karveer, District Kolhapur,]
Represented by Upasarpanch,]
Sachin Ankush Deshmukh,]
Age : 35 years, Occ. : Agriculturist,]
At P.O. Uchgaon, Tal. Karveer, Dist. Kolhapur.] Petitioner

Versus

1. Kolhapur Mahanagar Palika,]
Through its Commissioner,]
Kolhapur Mahanagar Palika,]
Bhausinghji Road, Tal. Karveer,]
District Kolhapur.]
2. Trilok Panjuml Dadlani,]
Age : 61 years, Occ. : Business,]
R/at City Survey No.B-8, Sonapark,]
Kolhapur.]
3. Pushpadevi Sureshlal Pinjani,]
Age : 52 years, Occ.: Household,]
R/at 249/75, Arihant Plaza,]
Nagada Park, Kolhapur.] Respondents

Mr. Girish Godbole, Senior Counsel, a/w. Mr. Drupad S. Patil, for the Petitioner.

Mr. P.S. Dani, Senior Counsel, i/by Mr. Abhijit M. Adagule, for Respondent No.1.

Mr. Anil Sakhare, Senior Counsel, with Mr. Narendra Gandhi, for Respondent No.2.

Mr. Tejas Dande, with Ms. Bharati Gadhavi and Mr. Niranjan Bhavke, i/by M/s. Tejas Dande & Associates, for Respondent No.3.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 22ND FEBRUARY 2018.

P.C. :

1. In view of the separate Judgment and Order passed by me in Civil Revision Application No.962 of 2014, holding that Civil Court has no jurisdiction to entertain the Suit of present nature, the order of interim injunction passed by the Trial Court in Regular Civil Suit No.193 of 2013 cannot be sustained; therefore, it is liable to be quashed and set aside on this sole ground. The order passed by the Appellate Court, therefore, vacating the said order of interim injunction, needs to be confirmed. Writ Petition, therefore, stands dismissed.

2. At this stage, learned Senior Counsel for the Petitioner - Gram Panchayat submits that, the order of status-quo is in existence till today and there is likelihood of the constructions being demolished, if the order of status-quo is not extended. As the Petitioner intends to approach the Hon'ble Supreme Court against the order of this Court, the order of status-quo dated 27th May 2014 may be extended for a period of twelve weeks.

3. Learned Senior Counsel for Respondent No.1 - Municipal Corporation takes objection to the extension of the order of status-quo and submits that, even after the order of status-quo, some more constructions are being made and hence, if the order of status-quo is

extended, then, it should be only for a limited period and only as to the constructions, which were in existence on 27th May 2014.

4. As the Petitioner - Gram Panchayat intends to approach the Hon'ble Supreme Court against the Judgment and Order of this Court passed today in Civil Revision Application No.962 of 2014, in the interest of justice, the order of status-quo, which was granted on 27th May 2014, is extended for a period of ten weeks from today, with a clarification that, the status-quo shall be maintained by both the parties in respect of only those constructions, which were in existence on 27th May 2014.

[DR. SHALINI PHANSALKAR-JOSHI, J.]