



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

917 WRIT PETITION NO. 10176 OF 2025

Sampat Ganpatrao Bhumar

VERSUS

Dilux Builders Thr Mujahed Khan Makbul Khan And Others

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Advocate for the Petitioner : Mr. Anerao Panditrao S

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20th August, 2025

PER COURT :

1. Heard the learned counsel for the petitioner. The petitioner has filed a suit seeking an injunction against the construction allegedly being carried out by respondents No.1 and 2 over Gut No.163 of Deluxe Park Housing Society, specifically in front of the road leading to the row houses of the society.
2. The petitioner also filed an interim application seeking a temporary injunction. The Trial Court rejected the said application, observing that the plaintiff is also a member of the society and had earlier permitted the construction. The plaintiff has now approached the court claiming the construction by defendant No.2 on the said road is unauthorized.
3. The Trial Court further held that while the plaintiff has a right to use the 30 feet wide road in front of his house, he cannot deny the right or the manner of its use by other owners of the row houses situated within defendant No.2 society. The said construction was necessary for the safety of the occupants of the society. It was also found that no irreparable loss would

be caused to the plaintiff by the refusal to grant temporary injunction.

4. Additionally, it was noted that defendant No.3-the Municipal Corporation-appears to have taken action in accordance with law with respect to the said construction. Consequently, the application for interim relief was rejected.

5. The learned counsel for the petitioner submits that the construction was completed during the pendency of the suit and prior to the decision on the interim application. He further submits that his representations for illegal construction are pending before the Municipal Council. It is clarified that the pendency or outcome of the present interim application would not affect the petitioner's right to pursue any legal statutory remedy as may be available to him under the Municipal Corporation Act.

6. In view of the above, the writ petition stands dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.