

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12233 OF 2025

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Vijay Kanhaiyalal Haran ... Petitioner

V/s.

Kolhapur Urban Area Development
Authority and Ors. ... Respondents

Mr. Rajvardhan S. Chougule a/w Mr. Rugwed Kinkar
for the petitioner.

Mr. V. M. Mali, AGP for the State.

**CORAM : M. S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATED : 18th NOVEMBER, 2025

ORAL ORDER (PER AJIT B. KADETHANKAR, J.):

1. Heard Mr. Rajvardhan Chougule for the petitioner and Mr. V. M. Mali, AGP for the State.

2. The petitioner has put forth his prayer as follows.

“a) This Hon'ble Court be pleased to issue a writ of mandamus and / or any other writ, thereby directing respondent No. 1 to demolish the illegal construction carried out by respondent No. 2 to 4 on land bearing Gat No. 200/8 and 200/9 situated at village Uchgaon, Tal. Karveer, Dist. Kolhapur.

*b) This Hon'ble court be pleased to issue a writ of mandamus and/or any other writ, thereby directing respondent No. 1 to immediately take further steps pursuant to notice dated 19/12/2024 issued U/s. 54(1) of MRTP Act, 1966. Being **'Exhibit -E'** to this petition.*

c) Pending hearing and final disposal of this petition, the Hon'ble court be pleased to pass on order of temporary injunction, thereby restraining Respondent No. 2 to 4 from using the building constructed on Gat No. 200/8 and 200/9 situated at village Uchgaon, Tal. Karveer, Dist. Kolhapur for any commercial and residential purposes."

3. It is the contention of the petitioner that he has filed Regular Civil Suit No.856 of 2024 in the Court of learned Civil Judge Senior Division Kolhapur, against the present respondent Nos. 2 to 4, seeking perpetual injunction against them. He would further submit that defendants therein are prevented by the learned Trial Court by an order of temporary injunction. He would further submit that the respondent No.1 is the appropriate authority to look into the illegal constructions caused by the parties during the territorial zone falling under its jurisdiction.

4. Mr. Rajwardhan Chougule, learned Counsel for the petitioner further submit that respondent No.1 has issued a notice dated 18th December, 2024 to the respondent Nos. 2 to 4, thereby calling upon them to stop the illegal constructions which they have carrying on, or else to face the consequences under Section 54 (2) of the Maharashtra Regional and Town Planning Act, 1966. He would further submit that except issuance of notice, the respondent No.1 has not set the process in motion to act upon the notice dated 18th December, 2024 and 19th December, 2024.

5. Mr. Rajwardhan Chougule, learned Counsel for the petitioner would submit that in the given facts and circumstances and as also from the recitals from in the notice itself, the respondent No.1 is expected to process the further action pursuant to the said notice. We agree that the notice issued by the respondent No.1 must be

taken to its logical end by the said authority. Pendency of the suit between petitioner and the respondent Nos. 2 to 4 is not an impediment for respondent No.1 to exercise the powers conferred upon his authority.

6. In view of this, we find no impediment in disposing of the present writ petition at admission stage by issuing certain directions to the respondent No.1.

7. Respondent No.1 shall within a period of eight weeks from the date of receipt of this order, process the further act in accordance with law pursuant to the notice dated 18th December, 2024 and 19th December, 2024 as is annexed to page No.52 to 56 of the paper book.

8. Keeping all contentions open to the respective parties and with the above directions, the writ petition stands disposed of.

9. We appreciate sincere efforts taken by learned Advocate Mr. Mr. Rajwardhan Chougule, who tried to make out a point in the petition for calling our interference.

(AJIT B. KADETHANKAR, J.)

(M.S. KARNIK, J.)