

Shailaja

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12525 OF 2025

Shri Bhairavnath Mandir (Devasthan) Trust	]	
Through Janardhan Sahadev Yeram	]	Petitioner
versus		
Government of Maharashtra through Its	]	
Principal Secretary and others	]	Respondents

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Mr. S.C. Chandratre (through V.C.), for Petitioner.

Mr. V.M. Mali, A.G.P, for Respondent No.1 and 2 – State.

Ms. Priyanka S. Dable a/w Mr. Sachidanand R. Singh, for Respondent No.3.

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

DATE : 3rd DECEMBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]

1. Heard learned Counsel for the petitioner, learned A.G.P, for respondent – State and learned Counsel for respondent No.3.

2. The challenge in this petition is to the permission granted by respondent No.3 for repairing *Deepstambha* of Bhairavnath temple which is exclusive scheduled property of the petitioner - Trust without giving any notice of hearing to the petitioner.

3. We are informed that *Deepstambha* has already been constructed. In this view of the matter, it is open for the petitioner to resort to appropriate remedies to challenge the grant of such permission.

4. Learned Counsel then submitted that the petitioner will be satisfied if the petition is allowed in terms of prayer clause (b), which reads thus;

“B. Be pleased to issue Writ of mandamus or order or direction in the nature of mandamus or any other appropriate writ thereby directing the Respondent not to allow any third party any permission with respect to the Bhairavnath temple without notice to the Petitioner Trust and without giving hearing to the Petitioner Trust”.

5. In our opinion, it is not possible for this Court to enter into the disputed questions of facts. In our opinion, granting relief in terms of prayer clause (b) will undoubtedly entail a fact finding enquiry. It may not be possible for us to grant relief in terms of prayer clause (b) in exercise of writ jurisdiction of this Court under Article 226 of the Constitution of India. We leave it open for the petitioner to seek recourse to appropriate remedies as regards prayer clauses (a) and (b) of the petition.

6. It is made clear that we have not made any observation on the contentions raised by either of the parties.

7. The petition is disposed of. If an application is made seeking reliefs in terms of prayer clauses (a) and (b), the same be considered expeditiously.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]