

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6148 OF 2025

Shri. Kiran Shantaram Nakate & Anr.

...Petitioners

Vs

The State of Maharashtra & Ors.

...Respondents

Ms. Ketaki Patil i/b. Mr. Kush Lahankar for the Petitioners.

Mr. Kedar Dighe, Addl. GP with Mr. A.A. Alaspurkar, AGP for State/
Respondent Nos.1 to 3.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATE: 11 JUNE 2025.

P.C.

1. This petition under Article 226 of the Constitution of India is filed
praying for the following substantive relief:-

“b. That this Hon’ble Court may be pleased to issue writ of
mandamus and/or any other appropriate writ, order or direction in the
nature of writ of mandamus thereby directing the Respondent No. 2
and 3 to reject the application filed by the Respondent No.4 seeking
building permission being not maintainable.”

2. We are informed by learned counsel for the petitioners that the municipal
corporation has already granted building permissions to respondent no.4 which
appears to be in consequence of the judgment and decree of the Civil Court
dated 25 February 2024 passed by the learned Civil Judge, Junior Division,
Kolhapur in Regular Civil Suit No. 2162 of 2012. The said judgment and order
came to be confirmed by the learned District Judge, Kolhapur by its judgment
and order dated 28 November 2018 thereby dismissing Regular Civil Appeal No.
78 of 2015 filed by Kolhapur Municipal Corporation.

3. In the aforesaid circumstances, in our opinion, when the building
permissions are granted, it is open for the petitioners to take recourse to

appropriate proceedings as permissible in law and if at all such proceedings are filed, all contentions of the parties are expressly kept open.

4. Disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)