

Shailaja

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

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.116 OF 2024

Rayat Kranti Sanghatana Karad through	]	
Vice President Mr. Musadik Ambekari	]	Petitioner
versus		
Chief Executive Officer, Karad Nagar Parishad	]	
Karad and others	]	Respondents

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Mr. Umesh R. Mankapure, for Petitioner.

Mr. Amar P. Dhumal i/b Mr. Dilip Bodake a/w Mr. Saiprasad Patil and Mr. Viraj Dhumal, for Respondent No.1.

Mr. Siddheshwar B. Kalel, A.G.P, for Respondent – State.

Mr. Kalpesh Patil, for Respondent No.5.

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

DATE : 4th DECEMBER, 2025.

P.C:

1. We find that the petitioner has filed the present petition challenging the building construction permission granted on 21st July, 2017 by respondent No.1 in favour of respondent No.5 which is a Bank by nature.

2. The petition was filed in the year 2019 and was later converted into Public Interest Litigation in the year 2024.

3. Following prayers are averred by the petitioner in the present Public Interest Litigation;

“a) This Hon'ble Court be pleased to issue writ of mandamus or any other writ in the nature of mandamus be pleased to quash and set aside building permission granted on 21.7.2017 issued by Respondent No.1 in favour of Respondent No.5;

(b) This Hon'ble Court be pleased to issue writ of mandamus or any other writ in the nature of mandamus be pleased to quash and set aside the impugned communication dated 26.7.2018 issued by Respondent No.1 to Respondent No.5 revoking the action under Section 51(1) of the MRTP Act, 1966;

(c) This Hon'ble Court be pleased to issue writ of mandamus or any other writ in the nature of mandamus be pleased to direct the Respondent No.1 to take the notice dated 18.6.2018 issued u/s.51(1) of the MRTP Act, to its logical end;

(d) This Hon'ble Court be pleased to issue writ of mandamus or any other writ in the nature of mandamus be pleased to direct Respondent No.1 to first get layout plan of Respondent No.4 Market Committee and then to grant building permission to Respondent No.5 as directed by the Collector, ADTP, Sarara.

(e) Pending the hearing and final disposal of the present petition, this Hon'ble Court be pleased to stay the effect, operation and implementation of the impugned permission dated 21.7.2017;

(f) Pending the hearing and final disposal of the present petition, this Hon'ble Court be pleased to stay the communication dated 26.7.2018 issued by Respondent No. 1;

(g) Ad-interim and interim reliefs in terms of prayer clauses (e) and (f) above be granted;

h) Costs be provided for, and

(i) Such further and other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case may require”.

4. Today, learned Counsel appearing for respondent No.5 submits that during the course of time, respondent No.5 has constructed the building for which the construction permission granted by respondent No.1 was impugned in the present petition. He would further submit that accordingly construction is completed and occupation certificate is also granted in favour of respondent No.5 and respondent No.5 - bank is fully functional in the said premises.

5. As such, presently we are of the opinion that the cause carried in the present Public Interest Litigation has turned infructuous. In view of that, we are of the expressed opinion that the petitioner may have to take appropriate recourse, that to approach the Competent Civil Court for seeking proper relief in view of the subsequent developments of facts in the matter.

6. Learned Counsel in the morning has sought some time to take appropriate instructions from the petitioner. Now when the matter was called out, learned Counsel would submit that he could not contact the petitioner and therefore, some time be granted to make further submissions.

7. Stand over to 5th January, 2026 under the caption “For Passing Orders”.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]