

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9943 OF 2024

Irfan Yakub Mohammad and Anr.

... Petitioners

V/s.

The State of Maharashtra through the
Government Pleader and Ors.

... Respondents

None for the Petitioners

Mr. Rohit Sakhadeo for Respondent No.4

Mr. O.A. Chandurkar, Addl.G.P. with Ms. G.R. Raghuwanshi, AGP for
Respondent Nos. 1 and 2 - State

Mr. P.B. Gujar with Mr. Vivek Patil for Respondent No.5

**CORAM : ALOK ARADHE, CJ. AND
BHARATI DANGRE, J.**

DATE : 20th FEBRUARY 2025

P.C. :

1. The Petitioners are the members of Respondent No.5 – Amarante Co-op Housing Society Ltd.

2. According to the Petitioners, in the Annual General Meeting scheduled on 18th September 2022 without floating any agenda of the meeting, the Society proposed to construction of a Temple on the Podium Garden area. Thereafter, on 18th November 2022, Minutes of the Meeting were submitted to the Registrar of the Co-operative Societies.

3. The Petitioners, along with the other members, thereupon addressed a letter to the Society on 16th February 2024 stating that a Temple cannot be constructed without obtaining permission from the appropriate authority. The Respondent No.3, thereupon, by a communication dated 20th February 2024, sought approval for construction of the Temple on the Podium Garden Area in the building of the Society.

4. Being aggrieved, this Writ Petition has been filed in which prayer has been made seeking directions to Respondent Nos. 1 to 4 to restrain the Respondent No.5 from constructing any illegal or unauthorized construction.

5. The learned Counsel for Respondent No.5 submitted that it has made an application to the Panvel Municipal Corporation and the application seeking permission to raise construction is pending. The learned Counsel for the Respondent No.5 on instructions, submits that no construction shall be made without obtaining permission from the Competent Authority including the Panvel Municipal Corporation. The aforesaid submission is placed on record.

6. In view of the aforesaid submission, no further order is required to be passed in the Writ Petition. The same is accordingly disposed of.

7. The learned Counsel for Respondent No.4 has tendered an affidavit in reply, which is taken on record.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)