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

WRIT PETITION NO.18998 OF 2024

Nasima Manna Inamdar

...Petitioner

Vs.

Khaibar Developers & Ors.

...Respondents

Mr. Prashant R. Suryawanshi i/by Mr. Gajanan M. Savagave for the Petitioner.

Mr. Owasi Pechkar for Respondent No.1.

Mr. Rajdeep Khadapkar for Respondent Nos.3 & 4.

Ms. Savina R. Crasto, AGP, for the Respondent Nos.5 & 6-State.

**CORAM: G. S. KULKARNI &
KAMAL KHATA, JJ.**

DATE: 18 JULY 2025.

P.C.

1. This Petition under Article 226 of the Constitution of India is filed praying for the only substantive relief as contained in prayer clause (b) which read thus:-

“(b) That this Hon’ble Court by an appropriate writ, direction or order under Articles 226 and 227 of Constitution of India, may be pleased to direct the Respondent nos.1 and 3 to forthwith issue the notice under section 258 of the Maharashtra Provincial Municipal Corporations Act, 1949 against the Developer as per the direction given in the order dated 25.1.2023 passed by this Hon’ble Court in Writ Petition Np/6762 of 2017.”

2. The contention is that the prayer is supported considering an order dated 25 January 2023 passed by a co-ordinate bench

of this court in the proceedings of Writ Petition No.6762 of 2017 (Smt. Nasima Manna Inamdar v/s. Khaibar Developers & Ors.). The one of contention is with regard to what was observed by the Court while dismissing the said Writ Petition, which is in relation to the notice issued to the Municipal Corporation under Section 258 of the Maharashtra Municipal Corporation Act. Paragraph 5 of the said order is required to be noted which read thus:-

"5. The Corporation is at liberty to pursue its notice issued to the developer under Section 258 of the MMC Act in accordance with law."

3. We are informed by Mr. Pechkar, the learned counsel for Respondent No.1 that in fact the Pune Municipal Corporation had issued a notice under Section 458, the said notice was challenged by Respondent No.1 in the proceedings of Civil Writ Petition No.13997 of 2024 (Khyber Construction v/s. Pune Municipal Corporation & Ors.), on which a co-ordinate bench of this Court of which one of us (Kamal Khata,J.) was a member passed an order dated 11 October 2024 issuing notices to the Respondents and granting a stay on the effect and operation of the Section 258 notice issued by the Pune Municipal Corporation.

4. We are also informed by the learned counsel for the PMC that after issuance of the notice under Section 258, there were certain proceedings adopted by Respondent No.1 before the Sub-Divisional Officer who had passed an order against the Municipal Corporation. There were also proceedings before the Director of Mutation Entries and all the proceedings are pending before the Hon'ble Minister.

5. Be that as it may, we do not intend to delve on such

issues as the proceedings are now not only pending before this Court but also before the Appellate Authority. We keep all contentions of the parties open in such pending proceedings.

6. We accordingly dispose of this Petition with liberty to the Petitioner to file appropriate proceedings as and when need so arises. The Petitioner is also at liberty to raise its contentions in the pending proceedings as noted above.

7. Petition is disposed of in the aforesaid terms. No costs.

(KAMAL KHATA, J.)

(G. S. KULKARNI, J.)