

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 19247 OF 2024

Gourav Ranjit Dhure & Anr

..Petitioners

Versus

Ravindra Mahadev Chavan & Ors

...Respondents

Mr. Gajanan M. Savagave, for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATED : 26th FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the petitioners.
2. The challenge in this Petition is to the judgment and order dated 30th September 2024 passed by the learned District Judge, Sangli, whereby an Appeal preferred by respondent No.1 came to be allowed by setting aside the order passed by the learned Civil Judge on an Application for temporary injunction dated 4th May 2019, and respondent No.2, the Commissioner, Sangli, Miraj and Kupwad City Corporation has been restrained from issuing revised construction permission and completion certificate in respect of the suit property till the final disposal of RCS No. 235 of 2018, without following due process of law.

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3. An arguable question as to whether the District Judge could have reversed the order passed by the Trial Court in exercise of discretionary jurisdiction and in the face of the provisions contained in Section 149 of the Maharashtra Regional Town Planning Act, arises for consideration.
4. Issue notice to respondent Nos. 1 to 3 returnable on 26th March 2025.
5. In addition to notice through Court, the petitioners are at liberty to serve respondent Nos. 1 to 3 by private service and file an Affidavit of Service.
6. In the meanwhile the Commissioner, Sangli, Miraj and Kupwad City Corporation, shall not take any coercive action against the petitioners in respect of the subject premises, on the basis of the impugned order.

[N. J. JAMADAR, J.]