



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.700 OF 2025**

Kunal Ramesh Jadhav and Ors. ... Petitioners
versus
Thane Municipal Corporation and Anr. ... Respondents

Mr. Sandeep Mishra, for Petitioner.
Mr. N.R.Bubna, for Respondent No.1.

CORAM: N.J.JAMADAR, J.

DATE : 15 JANUARY 2025

P.C.

1. Not on board. Upon mentioning that there is an extreme urgency, the Petition was taken on production board at 2.30 p.m.
2. Heard the learned Counsel for the parties.
3. The Petitioners have instituted a suit being RCS No.24 of 2025 in the Court of Civil Judge, Sr. Division, Thane, seeking, inter alia, a declaration that the orders dated 31 November 2023 and 19 July 2024 passed in pursuance of the notices dated 4 October 2022 issued under Section 260 (1)(2) and 267 (1)(2) and (3) and the notice dated 28 May 2024 under Section 268 of the Maharashtra Municipalities Act, 1949, are illegal, bad in law, void and not executable against the Petitioners and the consequential relief of injunction restraining the Municipal Corporation, its employees, servants, agents from acting, implementing or taking any action pursuant to the aforesaid orders /notices.

4. It appears that the suit was instituted on 13 January 2025. On the application for temporary injunction, the learned Civil Judge has issued notice and posted the matter today at 3.00 p.m.
5. In the instant petition, the Petitioners are challenging the aforesaid order of issue of notice and seek ad-interim relief till the decision of the application for temporary injunction.
6. The course adopted by the Petitioners is impermissible. If the Petitioners are aggrieved by any order passed by the learned Civil Judge declining to grant ad-interim relief, appropriate remedy is to file an appeal against the said order before the appeal Court. Moreover, the application for temporary injunction is listed today before the trial Court. In such circumstances, there is no propriety in entertaining a parallel proceeding at the instance of the Petitioners.
7. The Writ Petition, thus, stands dismissed.

(N.J.JAMADAR, J.)