



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

WRIT PETITION NO.3795 OF 2025

Pukharaji Rupaji Choudhari ... Petitioner
versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

WITH
WRIT PETITION NO.3801 OF 2025

Pramod Raju Atikandan ... Petitioner
versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

WITH
WRIT PETITION NO.3816 OF 2025

Suresh Dattaram Hujare ... Petitioner
versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

WITH
WRIT PETITION NO.3800 OF 2025

Chandulal Motilal Gupta ... Petitioner
versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

WITH
WRIT PETITION NO.3802 OF 2025

Sandip Anturam Verma ... Petitioner
versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

WITH
WRIT PETITION NO.3799 OF 2025

Dharamaraj Nandakai Kushawah ... Petitioner

versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

WITH
WRIT PETITION NO.3798 OF 2025

Laxmi Sakharam Shinde ... Petitioner

versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

WITH
WRIT PETITION NO.3796 OF 2025

Jayawanti Narayan Shigawan ... Petitioner

versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

WITH
WRIT PETITION NO.3797 OF 2025

Surendra Singh Bhatiya ... Petitioner

versus
Chief Executive Officer, Nagar Panchayat
Mangaon ... Respondent

Mr. Anil V. Anturkar, Sr. Advocate with Mr. Roshan Pandhare i/by Mr. Atharva Date, for Petitioners.

Mr. Amjith M. Anandhan with Mr. Anish K.V., Mr. Rohan D. Kaiche, i/by Mr. Sachin R. Pawar, for Respondent.

CORAM: N.J.JAMADAR, J.

DATE : 19 MARCH 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in these Petitions is to identical judgment and orders dated 20 February 2025 passed by the learned District Judge, Mangaon,

Raigad, whereby the appeals preferred by the Respondent came to be allowed by setting aside the order passed by the trial Court granting injunction in favour of the Petitioners.

3. The impugned order indicates that on the day the appeals were heard, the Respondent had placed on record a survey map and the learned District Judge was persuaded to allow the appeals and set aside the order of the trial Court by taking into account the said survey map.

4. Mr. Anturkar, learned Senior Advocate for the Petitioners submitted that the Petitioners were not provided an adequate opportunity to putforth defence to the case which was urged on the basis of the map placed on the record of the Appellate Court.

5. The question as to whether the learned District Judge could have interfered with the discretionary order passed by the trial Court by taking into account the survey map which was produced for the first time before the Appellate Court, on the day of hearing of the appeals, warrants consideration.

6. Issue notice to the Respondent for final disposal, returnable on 2 April 2025.

7. Learned Counsel for the Respondent waives service of notice in all Petitions.

8. In the meanwhile, the order passed by the learned District Judge restraining the Respondent from taking any action against the stalls of the

Petitioners for a period of four weeks, shall continue to operate till the next date.

9. Stand over to 2 April 2025, high on board.

(N.J.JAMADAR, J.)