

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15889 OF 2025

Gurudarshan Sahakari Grihanirman Sanstha Ltd .. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

.....

- Ms. Priyanka Dable a/w Mr. Sachchidanand Singh & Ms. Ruhika Sawant, Advocates for Petitioner
- Ms. Vrishali Raje, AGP for State
- Ms. Pooja Bhatra i/by Mr. Ashok Purohit & Ms. Sandhya Yadav i/by M/s. Ashok Purohit & Co., Advocates for Respondent No. 6
- Mr. Deepan Dixit a/w Mr. Virendra Pandey & Mr. Sanket Kasare, Advocates for Private Party - Mr. Rajendra P. Purohit

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 25, 2025

P. C.:

1. Heard Ms. Dable, learned Advocate for Petitioner; Ms. Raje, learned AGP for State, Ms. Bhatra, learned Advocate for Respondent No. 6 and Mr. Dixit, learned Advocate for Private Party - Mr. Rajendra P. Purohit.

2. Present Petition was mentioned before me urgently yesterday in view of the impugned notice dated 21.11.2025 and a precursor notice dated 07.11.2025 (appended at page Nos. 14 and 56 of Petition respectively) by virtue of which Dy. Collector (Encroachment / Removal) sought demolition of the subject contentious property out of CTS NO. 622 (part) as stated in the said notices within 48 hours.

3. It is *prima facie* seen that the said notices are issued in furtherance of the substantive order dated 03.07.2025 followed by communications / letters issued by Statutory Officers dated 07.11.2025 and 12.08.2025. One of the grievance expressed by Ms. Dable, learned Advocate appearing on behalf of Petitioner Society is that the said order and communications are not to the knowledge of Petitioner neither they were party to both the proceedings. However she would submit that the impugned notices are attempting to take away land belonging to Society. Her grievance is that the precursor order and earlier communications are not received by Society. However in fairness she would draw my attention to the old notice dated 03.07.2008 (appended at page No. 35) addressed to the Society, *inter alia*, in respect of the same cause of action. Petitioner strictly could have procured them through RTI just as they got the other documents.

4. In view of the aforesaid facts and challenge not having been maintained to the substantive order passed and the challenge in the present Petition been maintained only to the consequential and subsequent notices issued, the remedy of Petitioner shall lie before the Division Bench. In view of the impugned notices with which the Society is aggrieved and the request made by Ms. Dable, learned Registrar (Judicial-I) is directed to place the present Writ Petition

before the appropriate Division Bench to enable the Petitioner to make appropriate Application for amendment of Petition to challenge the substantive order and all consequential communications / letters addressed thereafter leading to issuance of the twin notices which are impugned in the present Petition.

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[MILIND N. JADHAV, J.]

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by RAVINDRA
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