IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12841 OF 2024

SATISH RAMCHANDRA SANGAR
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Date: 2026.03.19 16:21:49 +0530

Uday Nagar Co-operative Housing
Society Ltd., Nashik ...Petitioner

V/s.

The State of Maharashtra and Ors. ...Respondents

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Mr.Vinayak R. Kumbhar a/w Mr.Rajendra B. Khaire and Mr.Aniket S. Phapale i/b. Ms.Ashwini N. Bandiwadekar, Advocates for Petitioner.
Mr.K.B.Dighe, Addl.G.P. a/w Smt.V.S.Nimbalkar, AGP, for Respondents-State.
Ms.Chaitrali Deshmukh, Advocate for Respondents-Corporation.

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CORAM : M.S.KARNIK &
S. M. MODAK, JJ.

DATE : 18th MARCH 2026

P. C. :-

1. Heard learned counsel for the Petitioner.

2. The Petitioner is the society registered under the Maharashtra Co-operative Societies Act, 1960. Learned counsel for the Petitioner says that the land in respect of which the lease is extended is executed in favour of Respondent No.5 – Trust belongs to the Society. Learned counsel for the Petitioner submitted that initially the Respondent-Corporation had leased the land in favour of the Respondent No.5 –

Trust for a period of 30 years. When the question of handing over of the lease property arose, the Standing Committee of the Nashik Municipal Corporation by the Resolution No.619 dated 20th August 2019 has granted an approval for extension of lease for a further period of 30 years. Based on the Standing Committee Resolution, the Commissioner of the Nashik Municipal Corporation passed order dated 13th December 2019 which is impugned in this Petition.

3. Learned counsel for the Petitioner challenged the said extension on various grounds and more particularly on the ground that it is the Petitioner who is the owner of the land and therefore, the Corporation had no right to extend the lease.

4. Ms.Chaitrali Deshmukh, learned counsel for the Corporation submitted that against the Standing Committee Resolution, the Petitioner has remedy to prefer an appropriate proceeding before the State Government under Section 441 of the Mumbai Municipal Corporation Act, 1888. We find that it would be appropriate for the Petitioner to exhaust the statutory remedy in the facts and circumstances of the present case. Accordingly, keeping the liberty of the Petitioner open to challenge the impugned order before the State Government, the Petition is rejected.

5. We make it clear that all contentions are kept open and that we have not examined the merits of the respective contentions. If the appropriate proceedings are preferred against the order impugned in this Petition, the State Government shall decide the same on its own merits and in accordance with law. The Petition is disposed of.

6. The period for prosecuting this Petition is bonafide and hence, the question of delay be considered sympathetically, if such question for delay in filing the proceedings is raised.

(S. M. MODAK, J.) (M. S. KARNIK, J.)