

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

CIVIL WRIT PETITION NO. 2466 OF 2026

Chandrakant Gopal Kadam

.... Petitioner

V/s.

The State of Maharashtra and Ors.

.... Respondents

Adv. Swati Sawant a/w. Adv. Swati Panjwani for the Petitioner.

Mr. Kedar Dighe, Addl. G.P. for the Respondent – State.

Mr. Shailendra Kanetkar for Respondent Nos.6 to 8.

**CORAM : M.S. KARNIK AND
SHYAM C. CHANDAK, JJ.**

DATED : 24th MARCH, 2026

PC. :-

- 1) We have heard learned Counsel for the Petitioner.
- 2) The Petition prays for the following substantive reliefs in terms of prayer clauses (a) and (b) :-

“ a. That this Hon’ble Court may be pleased to issue Writ of mandamus or writ in the nature of mandamus or any other appropriate writ thereby directing the Respondent Nos.2 and 3 to produce all files concerning the permission and sanction of plan in respect of plot Nos.8 and 9, Nrusinha Co-operative Housing Society Ltd., Sangavi, Taluka : Haveli, Dist: Pune – 411027.

b. this Hon’ble Court upon perusing the files this Hon’ble Court may be pleased to cancel the building permissions dated 18.08.2020 and 31.03.2023 issued by the Respondent Nos.2 and 3 and also sanction plan in respect of plot Nos.8 and 9, Nrusinha Co-operative Housing Society Ltd. Sangavi Taluka : Haveli, Dist. Pune - 411027. ”

- 3) Learned Counsel for Respondent Nos.6, 7 and 8 invited our attention to the Special Civil Suit No.242/2024 which has been filed by the Society – Narsinha Sahakari Gruharachana Sanstha Maryadit before the

Civil Judge Senior Division, Pune for the very same reliefs prayed for in this Petition.

4) By an Order dated 10th April, 2024 for the reasons recorded therein, the trial Court has rejected the Application for interim injunction. It is the contention of the learned Counsel for the Petitioner that the Society is not pursuing the matter properly. Learned Counsel for Respondent Nos.6, 7 and 8 submits that the Order of the trial Court is confirmed by the Appellate Court.

5) Factually, the Suit is pending. It is open for the Petitioner to resort to appropriate remedies. We are not inclined to entertain the present Petition at the behest of the Petitioner who is one of the member of the Society when the Society has already initiated appropriate proceedings by way of filing a Suit for cancellation of building permissions and for perpetual injunction against the Developers restraining them from making any construction as per the said building permission. The trial Court has, by a reasoned Order, rejected the Application for injunction which is confirmed in Appeal.

6) Leaving the remedy of the Petitioner open to adopt appropriate proceedings, we are not inclined to entertain the present Petition. Keeping all contentions open, the Petition is rejected.

(SHYAM C. CHANDAK, J.)

(M.S. KARNIK, J.)