

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3575 OF 2026

Krishna Marathwada Construction Division No.1
through its Sub-Divisional Engineer, Baramati ... Petitioner

Vs.

Competent Authority and Sub-Divisional Officer
Baramati Sub-Division at Baramati and others ... Respondents

Mr. Sagar P. Kshirsagar for Petitioner.

Ms. G. R. Raghuwanshi, AGP for Respondent-State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.
DATE : APRIL 02, 2026**

P.C. :

. This is the second occasion on which the present writ petition is listed. When the writ petition was listed earlier on 26.03.2026, we found that the learned counsel for the petitioner was unable to assist this Court and therefore, we had requested the learned AGP to peruse the papers and assist this Court.

2. Upon assistance being provided by the learned AGP, we find that the petitioner had filed an application for being added as a party in Regular Civil Suit No.244 of 2018, wherein the private respondents in this writ petition are parties. It appears to be a partition suit in which the competent civil court by its order dated 21.04.2022 has allowed an application filed under Order XXXIX, Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC). The documents filed along with the writ petition show that an application filed on behalf of the petitioner (exhibit-137) for being added as party in the pending suit was rejected by an order dated 12.09.2025.

3. A perusal of the prayer clauses in writ petition shows that while prayer clause (c) seeks a direction for vacating the said order dated 21.04.2022 passed by the competent civil court allowing the application for interim injunction under Order XXXIX, Rules 1 and 2 of the CPC, there is no relief sought in respect of the aforesaid order dated 12.09.2025, whereby the application filed by the petitioner for being added as a party (exhibit-137) was rejected. Even if that order was to be challenged in writ jurisdiction, the writ petition would have to be considered by a learned Single Judge of this Court. A perusal of prayer clauses (a) and (b) of the writ petition shows that the petitioner is seeking specific directions against respondent Nos.1 and 2 i.e. the Competent Authority and Sub-Divisional Officer of Baramati Sub Division and State of Maharashtra through the Department of Water Resources respectively for compulsory acquisition of the suit property, which is already subject matter of litigation before the competent Court i.e. 5th Joint Civil Judge Junior Division, Baramati in the aforementioned suit bearing Regular Civil Suit No.244 of 2018. A further direction is sought for permission to the petitioner to execute sale agreement with respondent Nos.33 and 34 for acquiring the suit property.

4. There is no question of entertaining this writ petition for the aforesaid prayer clauses (a) and (b), particularly when the aforesaid Regular Civil Suit No.244 of 2018 is pending before the said competent civil court between the private respondents, who are arrayed as respondent Nos.3 to 35 in this writ petition as also when an application filed by the petitioner for being added as a party to the suit was rejected by the aforesaid order dated 12.09.2025.

5. The learned counsel for the petitioner is seeking further time to argue this writ petition, but we see no reason to grant further adjournment.

6. In view of the above, the writ petition is dismissed. However, liberty is reserved for the petitioner to seek appropriate relief, particularly in the context of the aforesaid pending Regular Civil Suit No.244 of 2018, strictly in accordance with law.

7. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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