

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5491 OF 2026**

Sanjay Suresh Narvekar & Ors.

.. Petitioners

Versus

Trimbakeshwar Devasthan Trust & Ors.

.. Respondents

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Mr. Surel Shah, Senior Advocate a/w Mr. Vivek Salunke i/by Ajinkya Jaibhave, Advocates for the Petitioners.

Mr. A. B. Tajane, Advocate for Respondent No.1.

Mr. K. B. Dighe, Additional Government Pleader with Ms. P. N. Diwan, AGP for Respondent Nos.2 and 5.

Mr. Rakesh L. Singh i/by M. V. Kini & Co. for Respondent No.3-MSIDC.

Mr. Kedar B. Dighe, Advocate for Respondent No.4-TMC.

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**CORAM : SHREE CHANDRASHEKHAR, CJ &
SUMAN SHYAM, J.**

DATE : 22nd APRIL 2026.

P.C. :

The notice dated 17th April 2026 (Outward No.:19/2026) is challenged by the persons who claim that they are tenants under the 1st respondent-Trimbakeshwar Devasthan Trust prior to 1957 and have their shops adjacent to the boundary wall of the Trimbakeshwar Temple on the north side.

2. Mr. Suresh Shah, the learned senior counsel for the petitioners submits that without affording an opportunity of hearing, the notice dated 17th April 2026 has been issued requiring the petitioners to handover possession of the galas/shops/stalls etc. owned by the Trust within three days.

3. It appears that the petitioners had approached the civil Court seeking a declaration as regards the action taken by the respondent-

authorities and for permanent injunction by filing Regular Civil Suit No. 430 of 2004. The said Suit was dismissed and Civil Appeal No.175 of 2006 was filed by the petitioner no.3. By an order dated 24th September 2009, the District Judge-2, Nashik set aside the judgment and decree passed by the trial Court in Regular Civil Suit No. 430 of 2004. The Suit was decreed and the notice dated 3rd September 2004 issued by the Chief Officer was held illegal and bad in law.

4. Mr. Rakesh L. Singh, the learned counsel for the respondent no.3 and Mr. Kedar B. Dighe, the learned counsel for the respondent no.4 have opposed this writ petition. As we glance at the observations made in paragraph no.26 of the judgment rendered in Civil Appeal No. 175 of 2006, we find that the Suit was decreed primarily on the ground that necessary party was not impleaded as a party-defendant. In the notice dated 17th April 2026, it is indicated that in the meeting held under the Chairmanship of the Collector, Nashik a decision was taken to provide alternate built-up space to the affected parties for acquiring the necessary property.

5. In view thereof, we are not inclined to interfere in this matter. However, it shall be a liberty with the petitioners to approach the civil Court within one week as prayed for on their behalf by the learned senior counsel.

6. Writ Petition No. 5491 of 2026 is disposed of.

[SUMAN SHYAM, J.]

[CHIEF JUSTICE]