

Shabnoor

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

**INTERIM APPLICATION NO.3271 OF 2026
IN
WRIT PETITION NO.13167 OF 2025**

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Nagraj Tolaji Mutha
Through POA Yash Mutha ... Applicant

In the matter between:

Nagraj Tolaji Mutha
Through POA Yash Mutha ... Petitioner

V/s.

State of Maharashtra
Through The Ministry of Cooperation
& Ors. ... Respondents

**WITH
WRIT PETITION NO.13167 OF 2025**

Nagraj Tolaji Mutha ... Petitioner
Through POA Yash Mutha

V/s.

State of Maharashtra
Through The Ministry of Cooperation
& Ors. ... Respondents

Mr. Pradeep Thorat, a/w Prayag Joshi, for the
Petitioner/Applicant.

Ms. Druti Datar, for Respondent No.4.

Ms. Savina R. Crasto, AGP, for the State – Respondent
Nos.1 to 3.

CORAM : AMIT BORKAR, J.

DATED : APRIL 27, 2026

P.C.:

INTERIM APPLICATION NO.3271 OF 2026

1. For the reasons stated in the application, the same is allowed.
2. The interim application stands disposed of.

WRIT PETITION NO.13167 OF 2025

3. The present petition, at the instance of the petitioner, cannot be entertained, inasmuch as, prima facie, the petitioner is not a person who has constructed or caused the construction of the project in question. In the absence of the petitioner being a “promoter,” no notice of proceedings under Section 11 of Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 is required to be issued to him. Consequently, the petition, at the instance of the petitioner, is not maintainable. However, it is clarified that, in the event the civil rights of the petitioner are affected, it shall be open to the petitioner to institute appropriate civil proceedings for ventilation of his grievances and enforcement of his rights.

4. Since ad-interim relief came to be granted by this Court after hearing both sides, the same shall continue for a period of two weeks from today. It is, however, clarified that such continuation of ad-interim relief shall not be construed as an expression of opinion on the merits of the matter, and the competent Civil Court shall consider the question of continuation of such relief on its own merits and in accordance with law.

5. The writ petition stands disposed of accordingly. No order as to costs.

(AMIT BORKAR, J.)