

ORDER BELOW EXH.05 IN R.C.S. NO. 66/2026**Adinath Laxman Ganeshwade & Ors.****Vs.****Sangli-Miraj-Kupwad Municipal Corporation Commissioner**

Read the plaint, Exh.5 and affidavit filed in support of the plaint. Perused documents annexed therewith.

02. Heard learned advocate for the plaintiffs. The plaintiffs prayed for ex-parte ad-interim injunction so as to prevent any arbitrary action against them. In support of their contentions they relied upon the judgments of Hon'ble Apex Court and High Court as under-

1. Ninad Sahkari Gruhrachana Sanstha Mydt. Vs. Pune Municipal Corporation, 2012 (4) ALL MR 898,
2. Kurmina Vynketrama Reddy Vs. Vishakhapatnam Municipality, Represented by its Commissioner 1978 (2) APLJ 247.
3. In Re : Directions in the matter of demolition of structures 2024 SCC online SC 3291.

03. It is the contention of the plaintiffs that the plaintiff no. 1 purchased the suit property on 25.09.1997, the plaintiff no. 2 purchased suit property on 04.11.1995 vide registered sale deeds respectively, from one Dada Jingonda Patil. The plaintiffs no. 3 and 4 purchased the suit property by the notarized sale deed dated 02.11.2013 and 28.05.2020, from Mahavir Bhupal Patil and Taty Devgonda Patil respectively. The plaintiffs claimed that their respective names mutated over the assessment

extract of their respective property. They have obtained water and electricity connection from the municipal corporation and paying necessary taxes of the same. The plaintiffs filed all above referred documents on record. The plaintiffs claimed that the suit property is in their peaceful possession from last 15 to 25 years. Now having this position, the defendant no. 1 issued notices to the plaintiffs on 16.02.2026 under the provisions of MRTP Act and Maharashtra Municipal Corporation Act and without following the due procedure of law, the defendant directed them to pull down unauthorized construction within 24 hours and if it is not done then the authority will do it and the expenses of such proceeding will be on the plaintiffs. In fact it is the position of law that before the Municipal Corporation Sangli-Miraj-Kupwad came into existence Nagarpalika, Snagli was having charge and before that Grampanchayat, Kupwad had authority. The Commissioner has no power to issue such notice and if the defendant desires then at least 15 days notice period requires to be given. No hearing was given to the plaintiffs. Therefore, the entire procedure and notices issued are void ab-initio. This procedure is in violation of Article 21 of the Indian Constitution. Therefore, the plaintiffs filed present suit for the declaration that notices dated 16.02.2026 are void and injunction not to take possession of the plaintiffs.

04. Upon the perusal of contentions and the documents on record it appears that, the plaintiffs have filed on record their respective sale deeds and tax receipts to show their possession over the suit properties. Admittedly the notice is issued under section 53 (1), 52 of MRTP read with section 478 and 267(a) of Maharashtra Municipal Corporation Act. It is settled law that, who seeks equity must do equity.

In the entire record there is nothing on record to show that the construction carried out by the plaintiffs is with the prior permission from the competent authorities existed at relevant point of time. Therefore, at this stage before passing any order it will be proper to hear the defendant in this regard. Considering the said facts and reasons mentioned as above I am not inclined to grant the ex-parte ad-interim relief of injunction as prayed. So far as, with due respect to the principle laid down in the citations as above, these citations are not applicable to the case before me at this stage. Accordingly, I pass following order-

ORDER

- I) The prayer for exparte ad-interim injunction is rejected.
- II) Issue show cause notice to the defendant as to why exparte ad-interim injunction should not be confirmed.
- III) E.P and S.B. if any is allowed.

Place : Sangli.
Date : 09.03.2026.

(Rohini Sambhaji Patil)
Jt. Civil Judge Junior Division,
Sangli.

ORDER BELOW EXH.01 IN R.C.S.NO. 66/2026

Adinath Laxman Ganeshwade & Ors.

Vs.

Sangli-Miraj-Kupwad Municipal Corporation Commissioner

Issue summons to defendant to appear and answer the claim and to file written statement of his defence, if any, within 30 days from the date of service of summons and for settlement of issues and to produce all documents in his possession or power vide O.8 Rule 1 and 1A of the Civil Procedure Code.

**Place : Sangli.
Date : 09.03.2026.**

**(Rohini Sambhaji Patil)
Jt. Civil Judge Junior Division,
Sangli.**