

ORDER BELOW EXH.05 IN R.C.S. NO. 91/2026**Geeta Prabhu Kodate****Vs****Sangli-Miraj-Kupwad Municipal Corporation**

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

02. Heard learned advocate for the plaintiff. The plaintiff prayed for ex-parte ad-interim injunction so as to prevent any arbitrary action against her.

03. It is the contention of the plaintiff that the plaintiff purchased the suit property on 15.06.2020 from one Naina Umesh Karekar. She has obtained water and electricity connection from the Municipal Corporation and paying necessary taxes of the same. The plaintiff filed all above referred documents on record. The plaintiff is living in the tin shade on it. Now having this position, the defendant issued notice to the plaintiff on 11.02.2026 under the provisions of MRTP Act and Maharashtra Municipal Corporation Act and without following the due procedure of law, the defendant directed him 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 plaintiff. In fact 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 plaintiff. Therefore, the entire procedure and notices issued are void ab-initio. Therefore, the plaintiff filed present suit for the declaration that notice dated 11.02.2026 are void and injunction not to take possession of the plaintiff.

04. Upon the perusal of contentions and the documents on record it appears that, the plaintiff has filed on record the notice is issued under section 53 (1), 52 of MRTP read with section 478 and 267(a) of Maharashtra Municipal Corporation Act, 7/12 extract, photograph of suit property, complaint filed by the plaintiff on 20.02.2026, assessment extract and light bill.

05. Before deciding this application on merit I am taking recourse to the settled law that, one who seeks equity must do equity. In the entire record there is nothing on record to show that the construction carried out by the plaintiff is with the prior permission from the competent authorities. 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 allow the ex-parte ad-interim relief of injunction as prayed. 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 : 25.03.2026.

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

ORDER BELOW EXH.01 IN R.C.S. NO. 91/2026**Geeta Prabhu Kodate****Vs.****Sangli-Miraj-Kupwad Municipal Corporation**

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 : 25.03.2026.**

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