

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4268 OF 2025

Wagholi Logistics Park Private Limited ... Petitioner
Vs.
Additional Collector, Tenancy Act Branch, Pune
and others ... Respondents

WITH
INTERIM APPLICATION (ST.) NO.19520 OF 2025
(Not on Board. Taken on Board.)
IN
WRIT PETITION NO.4268 OF 2025

Mr. Girish Godbole, Senior Advocate a/w. Mr. Hrushi Narvekar, Mr. Parag K, Ms. Ekta Tyagi, Ms. Anjali Shah and Mr. Sourabh Arora i/b. DSK Legal for Petitioner.

Mr. O. A. Chandurkar, Additional GP with Ms. V. S. Nimbalkar, AGP for Respondent Nos.1 to 5.

Mr. Swapnil Bangur a/w. Mr. Ashok Jain i/b. A. V. Jain Associates for Respondent No.6.

Ms. Nidhi Chawda i/b. Ms. Indira Labde for Respondent No.8.

CORAM : MANISH PITALE, J.
DATE : JUNE 12, 2025

P.C. :

1. Heard Mr. Godbole, learned senior counsel appearing for the petitioner.

2. At the outset, it is brought to the notice of this Court that Interim Application (St.) No.19520 of 2025 has been filed to add certain parties to the writ petition, and also to amend the petition so as to add prayer clause in the context of the parties proposed to be added as respondents.

3. Although the petition is at pre-notice stage, it appears that respondent No.6 has filed an affidavit, *inter alia* stating that he has

already sold the subject property to the persons shown as proposed respondents in the interim application. Considering the said statement made on behalf of the respondent No.6, this Court is of the opinion that the interim application deserves to be allowed.

4. Accordingly, Interim Application (St.) No.19520 of 2025 is taken on record and is allowed. Consequential amendments be carried out within a week from today. Liberty is also granted to the petitioner to amend the Schedule annexed to the interim application. Re-verification is dispensed with.

5. Having heard the learned senior counsel appearing for the petitioner, this Court finds that a *prima facie* case is indeed made out by the petitioner, to contend that the proceeding initiated before the respondent No.2 i.e. Sub-Divisional Officer under Section 63-1A of the Maharashtra Tenancy and Agricultural Lands Act, 1948, itself, was untenable and therefore, the impugned order can be said to be without jurisdiction. This aspect also answers the possible objection that may be raised regarding maintainability of the present petition.

6. It is brought to the notice of this Court that the aforesaid proceeding for resumption of the subject land was initiated by a complete third party i.e. respondent No.7 and that, the proceeding culminated on the basis of the petitioner being shown as represented by respondent No.8 i.e. one of the directors with whom the petitioner was having disputes.

7. Having taken note of the aforesaid facts, this Court is convinced that a *prima facie* case is made out by the petitioner to seek ad-interim reliefs.

8. In view of the above, issue notice to respondent Nos.1 to 14,

returnable on 30.07.2025.

9. There shall be ad-interim relief in terms of prayer clause (F)(v) and (vi) till the next date of listing.

10. Mr. Chandurkar, learned AGP waives notice on behalf of respondent Nos.1 to 5; Mr. Bangur, learned counsel waives notice on behalf of respondent No.6; and Ms. Chawda, learned counsel waives notice on behalf of respondent No.8.

11. The respondents are at liberty to file their reply affidavits within four weeks from today.

(MANISH PITALE, J.)

Minal Parab