

HARSHADA H. SAWANT  
(P.A.)

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

**WRIT PETITION (ST) NO.10947 OF 2026**

Nandgude Patil Developers Pvt. Ltd. .. Petitioner  
**Versus**  
The State of Maharashtra and Ors. .. Respondents

- .....  
• Mr. Shriram Kulkarni a/w. Ms. Swati Sagvekar, Advocates for  
Petitioner.

.....  
**CORAM : MILIND N. JADHAV, J.**

**DATE : APRIL 16, 2026**

**P.C.:**

- 1.** Not on Board. Mentioned at 05:30 p.m. by way of filing praecipe dated 16.04.2026. Perused the praecipe.
- 2.** Heard Mr. Kulkarni, learned Advocate for Petitioner.
- 3.** Urgent intervention of Court is sought by mentioning the matter at the time of rising in view of exigency involved in the matter.
- 4.** Mr. Kulkarni would submit that Writ Petition is filed in great hurry today itself and my attention is drawn to Exhibit-H, page No.129 which is a statutory notice issued under Rules 12(2) and 12(2)(a) of Maharashtra Realisation of Land Revenue Rules, 1967 (for short '**the said Rules**') directing auctioning of the property as stated in the said notice.
- 5.** Mr. Kulkarni would draw my attention to fundamental facts in the present case and submit that the need and necessity for

auctioning the subject suit property cannot arise in view of the *prima facie* incorrect realisation amount which is stated in the notice itself. He would submit that Petitioner is a Developer who was entrusted with development of the suit property but could not fulfill his obligations.

**6.** He would submit that 9 flat purchasers filed statutory proceedings before the Real Estate (Regulation and Development) Authority (for short '**RERA**') *qua* their respective flats in which orders came to be passed. He would submit that in the meanwhile Petitioner handed over the project to a second Developer namely Respondent No.13 herein who has infact settled the proceedings with 6 out of 9 flat purchasers who had approached RERA. He would submit that these 6 flat purchasers have given their consents and in that view of the matter, the outstanding arrears amount reflected in the statutory notice namely Rs.3,80,88,927/- is not the correct amount and it ought to be much less.

**7.** He would submit that 3 out of the 9 flat purchasers who have approached RERA are yet to settle with the new developer according to his instructions. All that he would submit is that in such facts and circumstances employing the provisions of the said Rules and auctioning the entire larger property including land is not the correct course of action. He would submit that since the new Developer who

has adopted the liability of the Petitioner is required to fructify the same and according to his instructions, he is in the process of doing the same also, the impugned action requires immediate interference of the Court.

**8.** Be that as it may, submissions made by Mr. Kulkarni are *prima facie* justified on the basis of the documents which are appended to the Petition and therefore this Court will have to step in.

**9.** In view of the aforesaid facts and circumstances, Respondent No.2 (Appar Tahsildar, Pimpri-Chinchwad - Pune) is directed not to act in furtherance of the impugned notice dated 08.04.2026 for conducting the auction tomorrow, copy of which is appended at Exhibit-H, page No.129 of the Petition.

**10.** In view of the above, issue notice to Respondents. Humdast permitted.

**11.** In addition to Court's notice, Petitioner is directed to serve the Respondents a copy of this order and copy of the Petition and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

**12.** All Respondents including private Respondents are directed to file their Affidavit-in-Reply to the Petition and more specifically to

the facts which are delineated hereinabove on the submissions made by Mr. Kulkarni within a period of two weeks from today. Affidavit-in-Rejoinder, if any, is permitted to be filed within one week thereafter.

**13.** It is clarified that in the meanwhile, no coercive steps for auctioning the property as stated in the impugned notice dated 08.04.2026 shall be taken by the Tahsildar without taking leave of the Court.

**14.** Mr. Kulkarni would submit that notice of today's mentioning was given to the Government Pleader.

**15.** All concerned are directed to act on a server copy of this order downloaded from the Bombay High Court website including the concerned Tahsildar.

**16.** Stand over to 7<sup>th</sup> May 2026.

**17.** Praecipe is disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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Digitally signed  
by HARSHADA  
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SAWANT  
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