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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3138 OF 2014

Shashikant Gulab Burde ...Petitioner
vs.
Pimpri Chinchwad Municipal
Corporation, Pimpri, Pune
and others ...Respondents

Mr.Ravi Kadam for the Petitioner
Mr.R.S.Apte, Senior Advocate i/b Mr.D.R.More for the
respondent Nos.1 to 3.

CORAM : A.S.OKA, &
A.S.GADKARI, JJ.
DATE : OCTOBER 23, 2015

P.C.:

1 Heard the learned counsel for the petitioner and the learned senior counsel for the respondent Nos.1 to 3. The learned senior counsel for the respondent Nos.1 to 3 states that the communication at Exhibit-D dated 9th December 2011 is hereby withdrawn only in relation to the land bearing survey No.175, Hissa No.6 admeasuring 37 Ares, situated at Charholi-Budruk, Taluka Haveli, District Pune. He further states that after serving show cause notice to the petitioner and after giving an opportunity of being heard to the petitioner, appropriate decision will be taken in accordance with Regulation 6.6.2.1. (iii) of the Development Control Regulations by the Commissioner of Pimpri Chinchwad Municipal Corporation. He states that if any decision is taken of the change of alignment of

the Development Plan Road passing through the aforesaid land, the order which may be made by the Commissioner of the Municipal Corporation shall not be implemented for a period of two weeks from the date on which the order is communicated to the petitioner.

2 We accept the aforesaid statements made on instructions of Shri P.R.Thakur, the Deputy Director of Town Planning, the Pimpri Chinchwad Municipal Corporation.

3 As the communication dated 9th December 2011 is withdrawn as regards the land claimed by the petitioner, it is obvious that unless a fresh order is passed by the Municipal Commissioner, construction of a D.P.Road cannot be made through the property of the petitioner.

4 Hence, we dispose of the petition by passing the following order:

- (I) We accept the aforesaid statements made by the learned senior counsel for the respondent Nos.1 to 3 on instructions;
- (II) We make it clear that we have made no adjudication on the scope of power of the Municipal Commissioner under the Regulation 6.6.2.1. (iii) of the relevant Development Control Regulations;
- (III) All contentions of the parties in that behalf are expressly kept open;

- (IV) Writ petition is disposed of on above terms;
- (V) Parties to act upon an authenticated copy of this order.

(A.S.GADKARI,J.)

(A.S.OKA,J.)