

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.129 OF 2010

Mr.Vijay Gharat for the Petitioner
Mr.V.S.Gokhale, AGP for the respondent No.1
Mr.A.A.Kumbhakoni, Senior Advocate i/b
Mr.G.H.Keluskar for respondent No.2
Mr.Siddharth Ronghe for respondent Nos. 4 and 5.

P.C.:

1 Heard the learned counsel for the petitioner,
the learned senior counsel for the respondent No.2,
learned counsel for the respondent Nos.4 and 5 and
the learned AGP for the State Government. We have
perused the earlier orders of this Court passed in
the PIL. Save and except the premises on the ground
floor, illegalities were taken care of by the Mumbai
Municipal Corporation by taking over possession of
the basement, first floor, second floor terrace and
parking open space. On the last date, a photo copy
of agreement for lease dated 23rd June 2015 was
tendered on record along with a document of
cancellation dated 22nd June 2015. The said document
of cancellation records that the agreement dated 13th
November 2000 in respect of restaurant/canteen on
the ground floor of area of 107.37 sq meters has

been cancelled. The agreement of lease dated 23rd June 2015 has been executed by the Pimpri Chinchwad Municipal Corporation in favour of Smt.Prafulla Shankar Shetty (fifth respondent). We must note here that in the auction, the bid offered by the fifth respondent was accepted. The agreement of lease appears to be in terms of the terms and conditions provided in the auction. The lease is for the period of 25 years with effect from 13th November 2000.

2 As noted in the earlier orders passed by this Court the actions of the Pimpri Chinchwad Municipal Corporation were completely illegal. Now, all remedial steps have been taken by the Pimpri Chinchwad Municipal Corporation to cure all the illegalities committed earlier. The petitioner has filed an affidavit dated 6th July 2015 which is tendered on record wherein he has accepted that the illegalities have been cured.

3 The orders of this Court and the subsequent actions taken by the Pimpri Chinchwad Municipal Corporation show that the actions of Pimpri Chinchwad Municipal Corporation which are complained of were completely illegal. Only in view of filing of the present PIL that the Municipal Corporation has taken remedial steps.

4 We therefore propose to direct the Pimpri Chinchwad Municipal Corporation to pay costs to the Petitioner quantified at Rs.50,000/-.

5 Accordingly, we dispose of the PIL by passing
the following order:

- (I) The PIL is disposed of;
- (II) We direct the respondent No.2 to pay costs
 of Rs.50,000/- to the petitioner within a
 period of one month from today.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)