

Amk

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

WRIT PETITION NO. 3145 OF 2014

Shri Pravin Shridhar Nagarkar .. Petitioner
Vs.
The Commissioner, Pune Municipal
Corporation & Ors. .. Respondents

Mr. S. A. Sawant for the Petitioner.
Ms. R. S. Khadapkar for Respondent Nos. 1 & 2.
Mr. S. V. Sadavarte for Respondent No.3.

CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.
DATE : 11th JANUARY, 2017.

P. C. :

1. The petitioner's contention is that his plot of land was utilized for widening of the road at Pune in C.T.S. No. 259. Around 121 sq. mtrs land was acquired. Respondent No.3 a registered Trust constructed a temple on the acquired portion. The Pune Municipal Corporation issued notice to respondent No.3 to remove the temple structure. Still the Municipal Corporation and respondent No.3 failed to implement the decision. The petition is pending since last two years in this Court.

2. Learned counsel appearing for the Municipal Corporation submits that out of 121 sq.mtrs. Area, 110 sq. mtrs area was actually utilized for widening of the required area. Around 10 sq. mtrs area, which is left out, is the area over which the temple structure is situated. Learned

counsel for respondent No.3 submits that respondent No.3 had already filed application for regularization of the said structure. He further submits that the earlier temple structure was very small which was constructed many years back. After the road widening, the temple area was renovated and the area got extended due to the same. He further submits that the extended area does not obstruct the road area.

3. Learned counsel appearing for the Municipal Corporation submits that the decision will be taken by the Municipal Corporation as to whether the area could be leased out to the trust-respondent No.3. It is submitted that appropriate decision on the application for regularization of the construction of the structure would also be taken.

4. We direct the Corporation to take appropriate decision by the end of April, 2017 on its own merits.

5. Learned counsel for the respondent raised issue in respect of locus standi of the petition too.

6. The petition is disposed of.

[M. S. KARNIK, J.]

[NARESH H. PATIL, J.]