

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.7691 OF 2017**

|                                                   |      |             |
|---------------------------------------------------|------|-------------|
| Hiraman Nivrutti Bhujbal                          | .... | Petitioner  |
| <u>Vs.</u>                                        |      |             |
| The Pimpri Chinchwad Municipal Corporation & Ors. | .... | Respondents |

Mr. S.V. Sadavarte for the Petitioner.  
Mr. Deepak More for Respondent nos. 1 to 3.  
Mr. A.I. Patel, AGP – Respondent nos. 4 and 5.

**Coram : Smt. Vasanti A. Naik &  
Riyaz I. Chagla, JJ.**

**Date : 21st November, 2017**

P.C.:

By this writ petition, the petitioner seeks a directions against the concerned respondents to clear the file of the petitioner pertaining to grant of permission for construction on land bearing survey No.156/1 situated at Ravet, Pune.

Mr. Sadavarte, the learned counsel for the petitioner states that the petitioner had submitted the plans for construction of the building on land survey no.156/1 to the respondent- Municipal Corporation in the year 2005 and the plans were sanctioned. It is stated that after the permission was granted to the petitioner to

make the construction, in the year 2005, a crime was registered in Pimpri Police Station, Pune for the offence pertaining to passing of illegal and fraudulent orders of exemption or declaration in respect of surplus lands under the Urban Land (Ceiling and Regulation) Act, 1976 and all the papers pertaining to the matters where exemption was granted were called by the State Government for investigating the matter. It is stated that the special investigating team has registered a crime against some persons but though no offence is registered against the present petitioner and the plan submitted by the petitioner is sanctioned, the petitioner cannot make the construction as the file alongwith all the original documents is in possession of the State Government. It is stated that in the aforesaid set of facts, a direction may be issued against the State Government to send the concerned papers-file pertaining to the petitioner to the respondent-Corporation so that the Corporation could pass appropriate orders. It is stated that the petitioner is unable to construct on his land due to no fault on his part.

Mr. Patel, the learned Assistant Government Pleader for the State Government submits that there was a large scam in the matter of determination of surplus land and offences are registered in Deccan Gymkhana Police Station in respect of the alleged illegalities. It is stated that certain orders are passed in Criminal Public Interest Litigation No.6 of 2008 and the matter is still under investigation. It is submitted that the alleged fraudulent documents

cannot be supplied to the concerned parties. It is submitted that the photostat copies of the documents pertaining to the proposal of the petitioner could be supplied to the respondent-Corporation only if this Court so directs. It is stated that the certified copies of all the relevant documents pertaining to the proposal of the petitioner could be supplied to the respondent no.1- Corporation.

In view of the statements recorded hereinabove, we direct the State Government to supply the certified copies of all the relevant documents in respect of the building proposal of the petitioner to the respondent-Corporation within four weeks. The original documents should be returned by the State Government as as soon as the enquiry is completed. It is needless to mention that the Corporation should act upon the certified copies tendered by the State Government to the Corporation and pass appropriate orders as early as possible. The writ petition is disposed of in the aforesaid terms with no order as to costs.

**(Riyaz I. Chagla, J.)**

**( Smt. Vasanti A. Naik, J.)**