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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5354 OF 2014

Bharatiya Kala Prasarini Sabha

.. Petitioner

Vs.

1. Pune Municipal Corporation and anr.

.. Respondents

Ms. Pooja Thorat I/by Mr. M. V. Thorat for petitioner.

Mr. R. S. Khandeparkar for respondent no.1.

Mr. Vishal L. Kolekar for respondent no.2.

CORAM: NARESH H. PATIL, ACTING CJ. &
G. S. KULKARNI, J.

OCTOBER 08, 2018.

P.C.

1. The petitioner prays for following reliefs:-

- (a) The Respondent No.1 Pune Municipal Council be directed to demolish/remove unauthorised constructed shed and compound of tin-sheets erected by Respondent No.2 on Petitioner's land bearing Gat No.27/2 situated at revenue village Sutarwadi, Tal- Hawali, Dist- Pune, within Municipal Limits of Respondent No.1, and for that purpose appropriate Writ, order and/or direction be issued;

- (b) Pending hearing and final disposal of this Writ Petition, the Respondent No.1 Pune Municipal Council be directed to take all necessary steps and to adopt all majors to ensure that Respondent No.2 does not proceed with further erection of structures on Petitioner's land bearing Gat No. 27/2 situated at revenue village Sutarwadi, Tal-Hawali, Dist-Pune within Municipal Limits of Respondent No.1;
- (c) Pending hearing and final disposal of this Writ Petition, the Respondent No.1 Pune Municipal Council be directed to demolish/remove unauthorisedly constructed shed and compound of tin-sheets erected by Respondent No.2 on Petitioner's land bearing Gat No.27/2 situated at revenue village Sutarwadi, Tal-Hawali, Dist-Pune, within Municipal Limits of Respondent No.1;
- (d) Interim/ad-interim relief in terms of prayer clause (b) and (c) above, be granted.
- (d) Such further and other order be made as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. The respondent no.2 had applied for regularization, which came to be rejected on 7th & 10th November, 2015. Respondent No.2 preferred appeal on 20/11/2015 to the State Government, which also came to be rejected on 25/9/2018.

3. The learned counsel appearing for respondent no.1 – Corporation submits that Corporation will take necessary steps after the protection granted to the respondent no.2 expires. The Corporation to take necessary steps expeditiously in accordance with law.

4. Without expressing any opinion on merits of the matter, petition is disposed of.

G. S. KULKARNI J.

ACTING CHIEF JUSTICE

Pravin
Dasharath
Pandit

Digitally signed
by Pravin
Dasharath Pandit
Date: 2018.10.08
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