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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8948 OF 2017**

Balasaheb Sahadu Chondhe and Ors. ... Petitioners
Vs.
Pimpri Chinchwad Municipal Corporation and Ors. ... Respondents

Mr. Vaibhav Sugdare i/b. Mr. Ravi Kadam for the Petitioners.
Mr. Rohit P. Sukhadeo for the Respondent Nos.1 to 5.
Mrs. R.A. Salunkhe, AGP for the Respondent No.6.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 9th JULY 2018

P.C.

1 Perused the affidavit-in-reply of Shri Prakash Thakur, Deputy Director, Town Planning Department of the first respondent – Municipal Corporation. In paragraph 12 of the said reply, Shri Thakur has stated thus :-

“Only the demand as regards the portion of Survey No.25, possession of which is taken over by the Corporation vide possession receipt dated 14/10/2013, the Petitioners after title verification will get TDR as per the relevant rules.”

2 Even in paragraph 14, a statement is made that the first respondent would grant TDR as per rules only in respect of the land of the petitioners the possession of which is taken over on 14th October 2013 and in respect of which the title of the petitioners is clear. We

accept the aforesaid statements as the statements made on behalf of the first respondent. In view of these statements, at this stage, it is not necessary to consider the substantive reliefs sought in this petition except prayer clause (c). Appropriate decision will have to be taken by the first respondent as regards grant of TDR/ DRC to the petitioners within the time fixed by this Court.

3 Accordingly, we dispose of the petition by passing the following order :-

ORDER

- (i) We accept the aforesaid statements made in paragraphs 12 and 14 of the affidavit of Shri Thakur as statements made on behalf of the first respondent – Municipal Corporation;
- (ii) We direct the first respondent to take appropriate decision on the question of granting TDR to the petitioners in respect of the land which is taken over under the possession receipt dated 14th October 2013 as expeditiously as possible and in any event within a period of three months from today;
- (iii) The decision taken by the Municipal Corporation shall be communicated to the petitioners;

(iv) In the event no decision is taken within the stipulated time or the prayer for grant of TDR is rejected or partly rejected, it will be open for the petitioners to file a fresh petition seeking the reliefs which are claimed in this petition;

(v) All contentions on merits are kept open.

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(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)