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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****PUBLIC INTEREST LITIGATION NO. 52 OF 2017**

Pradeep Suresh Tapkir

.....Petitioner

V/s.

State of Maharashtra and others

.....Respondents

Mr. S. M. Pathak for the petitioner

Mr. P. P. Kakade AGP for respondent State

Mr. D. R. More for respondent Nos. 3 & 4

**CORAM : PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.****DATE : APRIL 26, 2019.****P.C.**

Heard learned counsel for the parties.

2 The grievance of the petitioner is that on 9 Hectors and 48 Ares land in Charholi (Budruk) owned by Shri. Gopala Vithu Burde a Sewage Treatment Plant (STP) has been constructed by third respondent- The Pimpri Chinchwad Municipal Corporation. It is

pleaded that the land was in possession of M/s. Sai Realty impleaded as respondent No. 5. It is pleaded that said respondent handed over the possession of the land to the Corporation. It is pleaded that title suits amongst the legal heirs of the deceased Gopal Vithu Burde *qua* the subject land are pending. Giving details of the various civil litigations, grievance is that if the Sewage Treatment Plant is erected, it would be contrary to public interest for the reason there is a serious issue of the title to the land.

3 Response brings out that under a Power of Attorney executed, M/s. Sai Realty was in possession of the subject land and handed over the same to the Municipality to erect the Sewage Treatment Plant. Response brings out that much before the petition was filed, a 21 MLD STP had already been in existence and what was being constructed was an additional 20 MLD STP plant. Response brings out that the additional STP has since been completed.

4 Assuming the averments in the petition to be correct, the grievance has to be by those who claim title to the land and we find

that the apprehension of the petitioner that if ultimately it is found that the land did not belong to M/s. Sai Realty would result in money spent on erection of the plant being wasted cannot be addressed today because the work is completed. If the Civil Suits filed by the owners of the land succeed, the Corporation can always acquire the land.

5 Petition is disposed of.

N. M. JAMDAR, J.

CHIEF JUSTICE