

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

WRIT PETITION NO. 10386 OF 2016

Prataprao Dattatray Khandve

... Petitioner.

V/s.

The Special Works Officer /
Dy. Controllers, Unauthorized
Construction (Acting),
PMRDA, Pune & Ors.

... Respondents.

**WITH
WRIT PETITION NO. 6185 OF 2016**

Nandabai Khandu Khandve

... Petitioner.

V/s.

The Special Works Officer @ Controller
of Unauthorized Construction (In Charge),
PMRDA, Pune & Ors.

... Respondents.

Mr. Parag Tilak, Advocate i/by Mr. B.G. Ligade for the
Petitioner in WP No. 10386/2016.

Mr. A. M. Kulkarni, Advocate i/by Mr. S. S. Diwan,
Advocate for the Petitioner in WP No. 6185/2016.

Ms. K. N. Salunke, AGP for the State in WP. No.
10386/2016.

Mr. K.S. Thorat, AGP for Respondent Nos. 3 & 4 in WP
No. 6185/2016.

Mrs. S. V. Bharucha, Advocate a/w. Mr. N. R. Prajapati,
Advocate for Respondent Nos. 5 & 6 in both the
matters.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : JUNE 20, 2019.

PC :

1 The Petitioner(s) in both these writ petitions are taking exception to the Notice issued by the Pune Metropolitan Regional Development Authority, directing the Petitioner(s) to remove illegal constructions. It would not be necessary for us to consider the merits of the contentions raised by the Petitioners in the petitions, for the reasons, that the area which was covered under the jurisdiction of PMRDA has now been included within the extended geographical limits of Pune Municipal Corporation. In the changed scenario, it would be for the Pune Municipal Corporation to take steps as permissible as in law in respect of the constructions raised by the Petitioners. Since the challenge raised in these petitions relates to action taken by the Authority, who does not have jurisdictional control over the area, it would not be necessary to scrutinize the contentions raised by the petitioner(s) in the instant petition. It would be open for the Petitioners to take steps, as permissible in law, as and when cause of action accrues or Pune Municipal Corporation proposes any adverse action.

2 With liberty as aforesaid, writ petitions are disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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