

WRIT PETITION NO.3988 OF 2021
WITH
INTERIM APPLICATION NO.2817 OF 2021
AND
INTERIM APPLICATION NO.2818 OF 2021
AND
INTERIM APPLICATION NO.2819 OF 2021
AND
INTERIM APPLICATION (ST) NO.19416 OF 2021
(FOR INTERVENTION)
IN
WRIT PETITION NO.3988 OF 2021

Mrs. Sarala Shantil Muttha ...Petitioner
Versus
Pune Municipal Corporation & Ors. ...Respondents

Mr.R.D.Soni i/b. Ram & Co. for the Petitioner.
Mr.R.M.Pethe for the Respondent -Corporation.
Mr.Akshay Arun Deshmukh i/b. Mr. Choudhari for the Applicant/Intervenor.

**CORAM : A.A. SAYED &
S.G.DIGE, JJ.**

DATED : 11 OCTOBER 2021

P.C.:

The Petition is filed seeking the following relief:

“(a) This Hon’ble Court may issue a writ of mandamus or any other writ in the nature of mandamus to the Respondent Nos. 1 to 3 to implement and enforce the notices dated 3-3-2021 issued under section 52 and 53 of the MRTP Act, 1966 for removal of the unauthorized and illegal structures that have blocked the 15 meter DP Road and consequently blocked the only access to the Petitioner’s

land being survey No.258 as more particularly described in the plan annexed as Exh.E hereinabove.”

2. The Respondent-Corporation has filed Affidavit-in-Reply. In paras XIX and XXII it has been stated as follows:

“XIX. On or about 6th September 2021, the Deputy Engineer P.M.C.Zone No.4 rejected the replies/explanations submitted by the owners of the unauthorised structures as the owners did not submit any permission/commencement certificate to the said structures.

XXII. ... I say that P.M.C. will require approximately 3 months time to take action of removal of the unauthorised structures for implementing the sanctioned Development Plan in regard to the 15 meter Development Plan Road passing through S.No.260 of village Lohgaon. I say that P.M.C. is in the process of issuing notices under section 268 of the Maharashtra Municipal Corporation Act, 1949 for vacating the building.”

3. In view of the above, no further orders are required to be passed in the Petition. Accepting the statements of the Respondent-Corporation in the Affidavit-in-Reply, we dispose of the Petition. If the Respondent-Corporation requires the assistance of the police, the concerned Police Station shall co-operate.

4. So far as Interim Applications for intervention are concerned, we make it clear that remedies of the Applicants to file independent proceedings are kept open. The Interim Applications to stand disposed of.

(S.G.DIGE,J.)

(A.A.SAYED, J.)