

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4851 OF 2021

Shree Sai Reality
through Partner & Ors.

....Petitioners

V/S

Pimpri Chinchwad Municipal
Corporation & Ors.

....Respondents

...

Mr. Birendra Saraf, Senior Counsel i/b Mr. Abhijit P. Kulkarni and Mr. Rahul Sanklecha for the Petitioners in WP and IA.

Mr. N.V. Walawalkar, Senior Counsel i/b Mr. Ajit Kenjale for the Applicants-Intervenors in IA.

Mr. Kedar Dige for Respondent Nos.1 to 3-PCMC in WP and IA.

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

DATE : 20 SEPTEMBER 2021.

P.C.:

1 The Petition has filed by the Petitioners seeking following reliefs:

“a. By issuing appropriate Writ, order and/or direction, this Hon’ble Court be pleased to direct the Respondent, Pimpri Chinchwad Municipal Corporation to immediately decide and grant the pending applications made by Petitioners for loading of TDR dated 27/01/2020 as well as consider and grant the pending application dated 02.12.2020 (Exhibit ‘R’) for revision of the layout i.e. the **7th floor plans of the building Phase II** on the subject land bearing survey No.11/3/1 at village Kiwale, Tal. Haveli, Dist. Pune in accordance with the development control regulation of PCMC and strictly in compliance with the ratio laid down by this Hon’ble Court the judgment and order dated 15/07/2019 passed in Writ Petition No.7485 of 2019;

b. This Hon'ble Court be pleased to hold and direct respondent not to obstruct the Petitioners from carrying out the development at the subject layout to its fullest extent in accordance with the Development Control Regulations;"

2 It is not in dispute that as of today the measurement maps in respect of the subject land bearing Survey No.11/3/1 at village Kiwale, Taluka Haveli, District Pune, have been cancelled and the Petitioners have already filed the Revision Application before the Minister (Revenue). The Petitioners have made an Application dated 27 January 2020 to the Respondent-Corporation for loading of TDR on the subject building and another Application dated 02.12.2020 (Exhibit R to the Petition) for revision of the layout i.e. 7th floor plans of the building Phase II on the subject building.

3 Having heard learned Senior Counsel for the Petitioners, learned Senior Counsel for the newly added Respondents and the learned Counsel for the Respondent-Corporation, we partly allow the Petition by directing the Respondent-Corporation to decide the Applications dated 27.01.2020 and 02.12.2020 of the Petitioners in accordance with law.

4 The said Applications shall however be decided by the Respondent-Corporation only 'after' passing of the final order by the Minister (Revenue) in the Revision Application. We further direct that the said Revision

Application shall be decided by the Minister (Revenue) expeditiously and in any event within four weeks from today.

5 The Writ Petition is disposed of in the aforesaid terms.

(S.G. DIGE, J.)

(A.A. SAYED, J.)

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SUDARSHAN
RAJALINGAM
KATKAM

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by SUDARSHAN
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Date:
2021.09.23
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