

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.774 OF 2020

Jayant Lunawat

... Petitioner

Versus

Pune Municipal Corporation and Ors.

... Respondents

.....

Mr. Karl Tamboly with Mr. Manish Parekh, Mr. Anuj Desai, Mr. Kuber Wagle, Mr. Parth Jasani i/by Purnanand and Co. for the Petitioner.

Mr. S. Bhamcha i/b. Mr. Amey Deshpande, for Respondent Nos.7 to 8.

Mr. Neel Pugliya, for Respondent Nos.11 to 16.

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**CORAM : S.J. KATHAWALLA AND
R.I. CHAGLA, JJ.**

DATE : 5TH JANUARY, 2021

P.C. :-

1. By the above Writ Petition the Petitioner seeks the following reliefs:

(a) This Hon'ble Court be pleased to issue a writ of mandamus or writ in the nature of Mandamus or any other writ, order or direction to the Respondent Nos.1 to 5 to consider the grievances / complaints dated 02.04.2019, 16.05.2019, 28.05.2019 and 04.06.2019 lodged by the Petitioner and after considering the legality of the impugned illegal structures constructed on the said open plot of land as can be seen in the photographs at Exhibit A to the Petition initiate appropriate steps and action, including demolition thereof.

(b) This Hon'ble Court be pleased to issue a writ of mandamus or writ in the nature of Mandamus or any other writ, order or

direction to the Respondent Nos.1 to 5 to take appropriate steps and action, thereby ensuring that the Respondent Nos.7 to 16 and any person claiming through or under them, directly or indirectly, are permanently restrained from constructing, putting up any structure of whatsoever nature in any manner, anywhere on the layout of the said land as per the sanctioned plan dated 23.02.2010 admeasuring 17,806 Sq.mtrs;

(c) Pending the hearing and disposal of this Writ Petition, this Hon'ble Court be pleased to pass an order of injunction or such necessary directions thereby restraining the Respondent Nos.7 to 16 and any person claiming through or under them, directly or indirectly, from constructing any new structure in any manner of whatsoever nature anywhere on the said land under the layout as per the sanctioned plan dated 23.02.2010 admeasuring 17,806 Sq.mtrs;

(d) Pending the hearing and disposal of this Writ Petition, this Hon'ble Court be pleased to pass an order of injunction or such necessary directions thereby restraining the Respondent Nos.7 to 16 and any person claiming through or under them, directly or indirectly, from using in any manner the impugned illegal structures or any part thereof on the said open plot of land as can be seen in the photographs at Exhibit A to the Petition or any other illegal structures that may be found on the said open plot of land;

(e) Pending the hearing and disposal of this Writ Petition, this Hon'ble Court be pleased to Court Receiver as the Receiver of the said open plot of land with all usual powers, any time of day or night, without notice to the Respondent, with powers to take

physical possession thereof from the Respondent Nos. 7 to 16 or any person claiming through under them, with adequate police protection and the concerned Police station be ordered to provide adequate Police protection;

2. The learned Advocate appearing for the Corporation states that the structures against which the Petitioner has filed his complaint with the Corporation are unauthorised. If that be so, the Corporation shall take action with regard to the said unauthorized structures, that is, after serving notice and hearing the parties concerned. However, the Corporation shall comply with this order within a period of 12 weeks from today.

3. All contentions of the parties are kept open. Writ Petition is disposed of accordingly.

(R.I. CHAGLA, J.)

(S.J. KATHAWALLA, J.)