

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

WRIT PETITION NO.5826 OF 2019

Bharat Shivaji Jadhav and Anr.

.. Petitioners

Versus

Baramati Municipal Council and Anr.

.. Respondents

.....

Mr.Rahul S. Kate, Advocate for the Petitioners.

Mr.S.R. Nargolkar a/w. Mr.Arjun Kadam, Advocate for Respondent No.1.

Mr.R.S. Pawar, AGP for the Respondent No.2–State.

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**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATED : 20 September 2022.

P.C. :

The Petitioners seeks the following relief:

- “a) That this Hon’ble Court be pleased to issue the writ in the nature of mandamus or certiorari or any other appropriate writ, direction or order calling for the records and proceedings concerning the 2 shops on the first floor and one shop in basement area of new constructed building Rajashree Shahu Maharaj Udyog Bhavan and compensation for creating cement concrete road on survey No.36/4 without due permission of the Petitioner and the competent authority.”

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2 The Petitioners are pressing their claim to the above mentioned relief on the Resolution stated to be passed by the Baramati Municipal Council, Baramti, Pune, in the special meeting dated 16 October 2001 and a document dated 31 May 2002, styled as, “Assignment Deed”. According to the Petitioner, inspite of these two documents i.e. Resolution passed by Baramati Municipal Council, Baramti, Pune, in the special meeting and Assignment Deed executed by the chief officer, the above mentioned flats are not being given to the Petitioners. Further grievance of the Petitioners is that several representations are made to the Municipal Council have gone unanswered.

3 The learned counsel appearing for Respondent No.1–Municipal Council, Baramati, Pune, states that the submissions made by the Petitioners are not correct. Neither the Resolution has any legal efficacy nor the Assignment Deed relied upon by the Petitioners spells out any right in favour of the Petitioners, as alleged.

4 However, we do not find any response given by the Respondent–Municipal Council, Baramati, Pune, to the Petitioners, in writing, inspite of representations. Since what is relied upon are

Resolution of the Municipal Council, Baramati, Pune, and a document executed by the Municipal Council, Baramati, Pune, a stand will have to be taken by the Municipal Council, Baramati, Pune, through its chief officer as to the legal status of the documents by informing the Petitioners in writing. This stand cannot be advanced to, at the first instance, through oral arguments.

5 Accordingly we direct that, Respondent No.1–Municipal Council, Baramati, Pune, will respond to the representations made by the Petitioners annexed to this Petition within a period of six weeks from today. We make it clear that what is stated above is narration of facts and the response of Respondent No.1–Municipal, Council Baramati, Pune, will be on its facts, as per law and merits.

6 The Writ Petition, is accordingly, disposed of.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.