

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10944 OF 2022

The Tata Power Company Ltd. & anr. : Petitioners.
Versus
State of Maharashtra and ors. : Respondents.

Mr. Bhushan Deshmukh a/w Mr. H N Vakil i/by Mulla and Mulla & Craigie
Blunt & Caroe for the Petitioners.
Mr. P P Kakade, GP a/w Mrs. N M Mehra, AGP for Respondent No.1.
Mr. Rohit Sakhdeo for Respondent Nos. 2, 3 and 4.
Mr. Sugandh Deshmukh for Respondent Nos.9, 10 and 12.
Mr. Saurabh Patil for Respondent No.11.

CORAM : S. V. GANGAPURWALA &
ARIF S. DOCTOR, JJ.
DATED : 24th NOVEMBER 2022

P.C.

1 We have heard the learned counsel for the Petitioners. The Deputy
Collector & Deputy Controller (Additional Charge) of illegal constructions,
Pune Metropolitan Region Development Authority, Pune has filed an affidavit.
Some of the relevant excerpts are reproduced thus :-

*“3 . I say that, PMRDA had already issued preliminary hearing
notices to Mr. Rajnish Bhaskar Dhore, one Mr. Bhujbal,
one Mr. Ashok Shah in August 2020 (Copies annexed to
petition). Thereafter PMRDA had also addressed
communication dated 07/08/2020 to Tahasildar Maval.
Further 53(1) notice as per MRTP act is issued to the
construction of Respondent no.17. One unauthorized
construction of Chetan shaha was found in survey of
dated 15/06/2021. Revised inspection of the subject*

unauthorized construction was carried out on 27/09/2022. At that time newly temporary structure of Mr. Vivekanand Sonawane was found. Thus, there are five illegal structures 1. Mr. Bhujbal, 2. Mr. Ashok Shah, 3. Mr. Chetan Vinod Shah, 4. Mr. vivekanand Sonawane, 5. Mr. Ravindra lalchand Oswal (As Mr. Rajnish Dhore sold his land bearing illegal construction i.e. Plinth level structure to Mr. Ravindra Lalchand Oswal) in the High Flood Line (HFL) of Thokarwadi Dam Village Dahuli.

4. *I say & submit that, meeting was held under the chairmanship of PMRDA joint commissioner on 01/11/2022 regarding the issue of unauthorized construction in the High Flood Line (HFL) of the Thokarwadi Dam Village Dahuli. Hereto annexed at Exhibit R-1 is copy of minutes of meeting datged 1/11/2022. As decided in the meeting joint Survey of Thokarwadi Dam was conducted on dated 04/11/2022 with the all relevant departments i.e. Pune Metropolitan Regional Department, Irrigation Department, Revenue Department & Land Records Maval. Also as decided in the meeting, irrigation department measured the High Flood Line (HFL) & Marking of Thokarwadi Dam village Dahuli & Panchanama has been done in this regard. Hereto annexed at Exhibit R-2 is copy of panchanama dated 4/11/2022.*
5. *I say that PMRDA will follow due process of law including provisions of MRTP act 1966.*

6. *I say that now PMRDA proposed to take appropriate steps/actions in accordance with law in respect of the subject structures which are part of present writ petition.”*

2 The learned counsel for the Petitioner in view of the affidavit filed by the authority submits that the authority may be directed to take those steps as enumerated in the affidavit within a particular time frame.

3 The authority has already filed the affidavit and made its intention clear of taking steps in accordance with law.

4 In view of that, we are not required to pass further orders. The authority shall take steps in accordance with law as expeditiously as possible and within a reasonable time. The authority will have to follow the provisions while taking the steps as suggested in the affidavit. The respondents have filed their applications for regularization. It is for the Respondents and corporation to take necessary steps in that regard.

5 In view of above, the writ petition is disposed of. No costs.

6 It is made clear that we have not considered the contentions of either of the parties on merits.

[ARIF S. DOCTOR, J]

[S. V. GANGAPURWALA, J]