

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

Writ Petition No.9338 of 2021

|                                                  |     |             |
|--------------------------------------------------|-----|-------------|
| Balkrishna Maruti Sakpal                         | ... | Petitioner  |
| V/s.                                             |     |             |
| Pimpri Chinchwad Municipal Corporation<br>& anr. | ... | Respondents |

Mr. Nitesh S. Nevshe for the Petitioners.

Mr. Rohit P. Sakhadeo for Respondent No.1.

Mr. V.S.Gokhale, B Panel Counsel for Respondent No.2.

**CORAM : PRASANNA B. VARALE  
& SHRIKANT D. KULKARNI, JJ.**

**17<sup>th</sup> June 2022**

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**P.C.**

Heard learned Counsel for the Petitioner, learned Counsel for Respondent No.1 – Pimpri Chinchwad Municipal Corporation as well as learned AGP for the State. It seems that when the objection was presented before this Court on 13<sup>th</sup> September 2019, the Petitioner was in receipt of a notice issued by Respondent No.1. A reference is made to Government Gazette Notification dated 19<sup>th</sup> November 2009 and there is also reference to public notice published in various local newspapers. By the notice parties were permitted to submit their

objections. In response it seems that within reasonable period of one month objection was raised by the Petitioner and it was submitted in the objection that in the proposed road widening exercise nearly 50 trees are affected. It is also submitted in the objection that these were the trees planted by the Petitioner in his land and they were healthy trees grown up to the height of nearly 35 to 40 feet. Thus, it seems that the Petitioner wanted certain compensation towards the road widening activity whereby trees were affected. The document placed on record show that the Petitioner had also apprised the Respondent No.1 by way of legal notice through Counsel dated 24<sup>th</sup> October 2017. Now considering the fact that these representations were submitted to the authority way back in the year 2011 and 2017, the Petitioner submits before this Court that he be permitted to submit fresh detailed comprehensive representation to the authority and the authority be directed to decide the representation by following the principles of natural justice.

2. The submission of the learned counsel is quite a fair submission and the directions sought for would not cause any prejudice to the Respondents. As such we deem it appropriate to dispose the writ petition with following directions:

(i) Petitioner to file fresh detailed comprehensive representation

to Respondent No.1 alongwith all necessary documents on which the Petitioner would like to rely upon, within three weeks from today. On receipt of the representation, the Respondent No.1 to decide the same, needless to state, by giving an equal opportunity of hearing to the parties.

(ii) We further make it clear that the Respondent No.1 may seek necessary assistance from the office of the Respondent No.2, if needed for decision of the representation and if such assistance is sought for, the office of the Respondent No.2 to extend necessary cooperation to Respondent No.1.

(iii) The Respondent No.1 to decide the representation as expeditiously as possible and not later than 10 weeks from the date of receipt of the representation by giving equal opportunity of hearing to the parties.

3. With these directions, Writ Petition is disposed of.
4. All concerned to act on an authenticated copy of the order.

**SHRIKANT D. KULKARNI, J**

**PRASANNA B. VARALE, J**