

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

WRIT PETITION NO. 10358 OF 2022

1. Yasholaxmi Apartment Condominium
CTS/Survey No. 1170/15, Revenue Colony
Bhamburda, Shivajinagar, Pune - 411 005
Through Authorized Representative
Namelyu Sagar Subhash Mohekar & Anr.

2. Amit Subhash Mohekar
Age: 41 yrs, Occ: Business,
R/at Flat No. 6 Yasholaxmi Apartment
1170/15B, Revenue Colony, Shivajinagar,
Pune - 411005.

.Petitioners

Vs.

1. The Municipal Commissioner
Pune Municipal Corporation
4th Floor, PMC Bhavan, Main Building,
Opp. Mangala Theatre, Shivaji Nagar,
Pune - 411 005.

2. Executive Engineer
Construction Development Department,
Zone - 6, Pune Municipal Corporation,
PMC Bhavan, Main Building,
Opp. Mangala Theatre, Shivaji Nagar,
Pune - 411 005.

3. Deputy Engineer,
City Engineer Office, Pune Municipal
Corporation,
PMC Bhavan, Main Building,
Opp. Mangala Theatre, Shivaji Nagar,
Pune - 411 005.

4. State of Maharashtra
Government Pleader appearing
for State of Maharashtra.

.Respondents

Mr. Chaitanya B. Nikte a/w. Ms. Aditi Rajput a/w. Mr. Hitanshu Jain, for the Petitioners.

Mr. A. A. Alaspurkar, AGP for Respondent No. 4- State.

Mr. Rhishikesh M. Pethe for Respondent Nos. 1 to 3- PMS.

**CORAM : S. B. SHUKRE AND
M. W. CHANDWANI, JJ.**

DATE : 16 JANUARY 2023

ORAL JUDGMENT (PER :- S. B. SHUKRE, J)

. Rule. Rule is made returnable forthwith with the consent of the parties and the Petition is taken up for final disposal.

2. It is admitted fact that no record of Sub-Divisional Plan bearing DPO-2355/III/372 dated 29th March, 1993 is available with the Corporation. The Corporation has been taking search for the same for last several years, but in vain. Now, the Corporation by communication addressed to learned counsel is once again saying that they would be making further efforts for tracing the same and in case they did not find the original copy, the photo scanned copy of Sub-Divisional Plan would be made

available by the Petitioners, would be used by the Corporation and for restoring the record and then the Corporation shall issue a certified copy of the Sub-Divisional Plan to the Petitioner. This communication is taken on record and marked as Document “A” for identification.

3. Accordingly, we direct the Corporation to make one more and last effort for tracing out the record of the Sub-Divisional Plan within a period of four weeks from the date of the order, failing which the Corporation shall restore the record in respect of the Sub-Divisional Plan pertaining to the Petitioner within a period of two weeks thereafter, by making use of photo scanned copy of Sub-Divisional Plan in possession and a copy of which has already handed over to the Corporation.

4. We further direct the Corporation to issue a certified copy of the Sub-Divisional Plan to the Society within a period of one week upon the record of the Sub-Divisional Plan being traced out in terms of this order. If the record is not traced out, certified copy of Sub-Divisional Plan shall be issued to the Petitioner by utilizing the photo/scanned copy of the same already submitted by the Corporation within one week.

5. Rule is made absolute.

6. The Petition is disposed of in the above terms.

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(M. W. CHANDWANI, J.)

(S. B. SHUKRE, J.)