



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15105 OF 2023

IN

WRIT PETITION NO.8522 OF 2016

Pune Municipal Corporation

...Applicant

vs.

Vijay Shankar Bhinge And Anr.

...Respondents

....

Mr. Abhijeet Kulkarni, for Applicant.

Mr. Rajendra Deshmukh, Senior Advocate, a/w. Mr. Harshvardhan Bhende,
for the Petitioners in WP/8522/2016.

Mr. P.P. Pujari, AGP, for Respondent State.

Mr. Tanaji Mhatungade, for the Respondents.

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CORAM : SANDEEP V. MARNE, J.

DATE : 19th DECEMBER 2023

PC. :

1. This application is filed by Pune Municipal Corporation seeking impleadment in the petition inter alia on the ground that some portion of the land covered by the petition is affected by Development Plan Road. It is the grievance of the Municipal Corporation that on account of pendency of the present petition, the Municipal Corporation is unable to complete the acquisition proceedings or to undertake the work of construction of DP Road. With this limited grievance, the Municipal Corporation has filed the present application seeking impleadment as party Respondent.

2. It is the contention of the Municipal Corporation that for the purpose of carrying out the work of DP Road, the Municipal Corporation is in the process of sanctioning the proposal for Transferable Development Rights (TDR). However, on account of pendency of the present petition, the Municipal Corporation is unable to process the TDR proposal dated 14th August 2019.

3. In my view, pendency of dispute between the rival parties need not hold up execution of work of public importance. Whoever ultimately succeeds in the litigation, would be entitled to the DRC Certificate in respect of acquired portion of land.

4. In that view of the matter, the Municipal Corporation can be permitted to decide the TDR proposal dated 14th August 2019 during pendency of the present petition subject to a caveat that it shall issue the DRC certificate in the name of the succeeding party or as per the directions issued by this Court.

5. Pune Municipal Corporation shall be added as party Respondent to the petition. Necessary amendment be carried out by the Petitioner within a period of three weeks from today.

6. It is clarified that pendency of the petition shall not come in the way of the Municipal Corporation deciding the TDR proposal dated 14th August 2019 in respect of the writ land. The Municipal Corporation shall issue the DRC either in the name of the succeeding party or as directed by

this Court while deciding the petition finally.

7. With the above directions, the interim application is allowed and disposed of.

(SANDEEP V. MARNE, J.)