

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.17495 OF 2022
IN
WRIT PETITION NO. 6353 OF 2012

Shri. Bhalchandra C. Deo & Ors ..Petitioners/Applicants

Versus

The Special Land Acquisition
Officer No.24 & Ors ..Respondents

ANJALI
TUSHAR
ASWALE

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ANJALI TUSHAR
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Date: 2023.12.19
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Mr.Anil Anturkar, Senior Advocate i/b Ranjit Shinde, Advocates for the Petitioners/Applicants.

Mr.A. I. Patel, Add.G. P., with Mrs.N. M. Mehra, AGP, for the State/ Respondent No.1.

Mr. Vijay Patil, Advocate for Respondent No.2B.

Mr. Nitesh Bhutekar, Advocate for Respondent Nos.3 & 4.

Mr. K. B. Dighe, Advocate for Respondent No.2A/PCMC.

**CORAM : B. P. COLABAWALLA &
 SOMASEKHAR SUNDARESAN, JJ.**
DATE : DECEMBER 18, 2023

P.C.

The above Interim Application is filed seeking the following reliefs:-

- A) That the amendment proposed in the Exhibit-B enclosed to the memo of this Interim Application may be allowed by the Hon'ble Court and the Applicant may be

permitted to amend the memo of the Writ
Petition No.6353 of 2012.

- B) That such other orders as justice and convenience may demand from time to time be passed in favour of the applicant herein by this Honourable Court.”

2 This Interim Application was initially mentioned before this Court on 19th August, 2022. On the said date, this Court permitted the Petitioners to join Pimpri Chinchwad Municipal Corporation and the Pune Metropolitan Region Development Authority as Respondent Nos. 2A and 2B respectively. As far as the amendments proposed in Exhibit-B to the Interim Application are concerned, the Court opined that it was not inclined to consider those amendments at that stage and kept the Interim Application also pending. Now, we are considering whether the amendments in Exhibit-B ought to be permitted (page 28 of the Interim Application).

3 The learned counsel appearing on behalf of the Pimpri Chinchwad Municipal Corporation (Respondent No.2A) vehemently opposed the amendments as set out in paragraphs 16C and 16D of the proposed amendments. He submitted that by order dated 19th August, 2022, passed by this Court in the present Interim Application, this Court only allowed Respondent Nos.2A

and 2B to be arrayed as the Respondents. He submitted that in paragraph 4 of the said order, this Court observed that insofar as the other amendments proposed in Exhibit-B of the application are concerned, at this stage, the Court was not inclined to consider those amendments. He submitted that after the passing of the aforesaid order, namely, 19th August, 2022, till date, there has been no change in the circumstances or facts which now warrant allowing the amendments set out in paragraphs 16C and 16D of the proposed amendments. He, therefore, submitted that there was no merit in the proposed amendments and the same ought not be allowed.

4 Mr. Patil, the learned counsel appearing on behalf of Respondent No.2B i.e. Pune Metropolitan Region Development Authority, submitted that the aforesaid amendments are unnecessary because there is already a prayer sought by the Petitioners in the original Petition seeking return of the land belonging to the Petitioners.

5 We have heard the learned counsel for the parties. We have also perused the papers and proceedings in the Interim Application.

6 At the outset, we must state that this is only an amendment application filed by the Petitioners and which is necessitated because Original Respondent No.2 has been dissolved and the lands allegedly belonging to Original Respondent No.2 have now vested either in Respondent No.2A or Respondent No.2B. As far as the lands of the Petitioners are concerned, neither Respondent No.2A nor Respondent No.2B is in a position to inform the Court whether the said lands vest in either of them. It is for this reason that both parties have been joined as party Respondents in the above Writ Petition. What is sought by virtue of the amendments is seeking the necessary reliefs against the newly added Respondents. Considering all these facts, and the fact that this is a pre-admission amendment, we do not see any impediment in allowing the same. We also say this because we find no merit in the contention of the learned counsel for Respondent No.2A that there are no change in circumstances. There is no question of any change in circumstances after 19th August, 2022. The reason why this Court did not allow the amendments on that date was because Respondent Nos.2A and 2B were not present before this Court. It is only to give them an opportunity to have their say on the proposed amendments that the same was deferred.

7 Today after having heard the learned counsel appearing on behalf of Respondent No.2A and 2B, we do not see any reason to decline the amendment sought. In these circumstances, the above Interim Application is made absolute in terms of prayer clause (A) reproduced above. The amendments shall be carried out within a period of two weeks from today and the amended copy of the Writ Petition shall be served on all the Respondents within a period of two weeks thereafter. If any of the Respondents want to file any affidavit in reply to the amended Petition, they may do so within a period of four weeks from the date of service of the amended copy of the Writ Petition on them.

8 We make it clear that we have not in any way opined on the merits of the matter and those shall be decided as and when the Writ Petition is heard.

9 The Interim Application is accordingly disposed of .
No order as to costs.

10 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act

on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]