

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11054 OF 2022

Dr. Medha Vinayak Khole

.Petitioner

Vs.

Pune Metropolitan Region Development
Authority & Anr.

.Respondents

Mr. Shubham H. Misar for the Petitioner.

Mr. Vijay Patil for Respondent No.1-PMRDA.

Mr. Kishor Patil i/b. Mr. Pratik B. Rahade for Respondent No.2.

Mr. Y. G. Thorat i/b. Mr. D. D. Shinde for Respondent No.3.

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

DATE : 16 JANUARY 2023

P. C.

. Heard learned counsel for the Petitioner, learned
counsel for Respondent No.1 and learned counsel for Respondent
Nos. 2 and 3.

2. The prayer in this Petition is for issuance of direction
to Respondent No.1, i.e. Pune Metropolitan Region Development
Authority, to take action in respect of the illegal construction
being carried out on the land bearing Survey No. 286/2 and
Survey No. 287/3, situate at Village - Maan, Taluka - Mulshi,

District – Pune.

3. Learned counsel for Respondent No. 1 states that Respondent No.1 issued a notice to Respondent Nos. 2 and 3, who are the joint owners of the subject property, for removal of whatever illegal construction that was there on the subject land and in response to the said notice, Respondent Nos. 2 and 3 have informed learned counsel for Respondent No.1 that there was only tin shed in existence on the subject land and even that tin shed has been removed by Respondent Nos. 2 and 3 and thus, no illegal construction is there on the subject land. Learned counsel for Respondent No.1 submits that in order to verify the same, Respondent Nos. 2 and 3 and the officers of Respondent No.1 visited the spot and carried out spot inspection and found that no illegal construction was in existence on the subject land. He relies on the panchanama prepared by the officers of Respondent No.1, which he has tendered to the Court and is taken on record and marked as Document “**A**” for identification.

4. Learned counsel for Respondent No.2 as well as Respondent No.3 have also stated that the tin shed in question has been removed and an affidavit to that extent tendered across

the bar is taken on record and marked as Document “B” for identification.

5. In view of what has been submitted on behalf of the Respondents, we find that the purpose of this Petition has been served and therefore, this Petition deserves to be disposed of as having worked itself out.

6. In case any further dispute remains between the parties i.e. Petitioner and Respondent Nos. 2 and 3, the Petitioner is at liberty to pursue whatever civil remedy he may have in law and, in fact, the Petitioner has already filed a Civil Suit bearing RCS No. 1165 of 2020 against Respondent Nos. 2 and 3.

7. The Petition is, therefore, disposed of as having worked out itself.

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(M. W. CHANDWANI, J.)

(S. B. SHUKRE, J.)