

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 484 OF 2024**

Jayshree Banwari/ Kachi	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Ors	...Respondents

Mr Chetan Patil, *for the Petitioner.*
Mr Atul Damle, **Senior Advocate**, *with Payal Vardhan, i/b Amit Gharte, for Respondent No 4.*
Mr AA Alaspurkar, **AGP**, *for the Respondent-State.*
Mr RM Pethe, *for Respondents Nos. 2 & 3.*

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 12th February 2024

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1. It is our view that this Petition is not maintainable.

2. There is a property in Pune bearing Survey No. 45/3 at Mundhwa. That property belonged to the Petitioner's father. It has been subsequently shared between the Petitioner's father's lineal descendants, i.e., several sons and two sisters (one of whom is the Petitioner). Apparently, there was a Joint Venture Agreement ("JVA") and a Power of Attorney ("PoA") of 21st July 2005 with

the 4th Respondent, represented by Mr Damle. Paragraph 3 of the Petition claims that the Petitioner was 'deceived' by her brothers and that her signature was taken on the JVA and PoA fraudulently. That is not the remit of a Writ Court. Then the Petitioner claims that when she learnt of these documents in 2019, she issued a public notice cancelling those documents. That is perhaps an even more remarkable proposition.

3. Apart from anything else, this raises the question of delay to which there is no answer at all in the Petition because the very next paragraph jumps to events of September 2023 and the Petitioner says she came to the site and saw some excavation work going on. She claims this is all illegal. Therefore, the Petitioner wants the Pune Municipal Corporation ("**PMC**") to look into her complaints of illegality.

4. We are not inclined to make any such order against the PMC. It is not for the PMC to determine whether the Petitioner has any rights or does not have any rights under the JVA and other documents. A mere allegation of excavation with nothing more, will not establish that there is a case to be made out of illegal development. There are no particulars of this alleged illegality. The only so-called illegality seems to be in the Petitioner's dispute about the JVA, which is a private matter and outside our writ jurisdiction.

5. We have no doubt that the PMC as a planning authority is fully aware and will monitor the work being done at site.

6. The Petition is rejected.

7. We leave it open to the Petitioner to adopt such civil remedies that she may be advised in regard to her rights under the documents or transactions mentioned in regard to the property in question.

(Kamal Khata, J)

(G. S. Patel, J)