

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5608 OF 2024

Narain Ramchand Punjabi & anr. ...Petitioners
Versus
The Commissioner,
Pimpri Chinchwad Municipal Corporation & ors. ...Respondents

ALONG WITH
WRIT PETITION (ST) NO.17148 OF 2024 (NOB)

Nanik Ramchand Punjabi ...Petitioner
Versus
The Commissioner,
Pimpri Chinchwad Municipal Corporation & ors. ...Respondents

Mr Deepak Gupte, *for the Petitioners in WP No.5608 of 2024*
Mr Prathamesh Bhargude a/w Mr Sumit Sonare and Mr. Sharad
Dhore, *for the Petitioner in WP (St) No.17148 of 2024.*
Mr Deepak More a/w Mr. Shivram Gawade, *for the Respondent*
Nos. 1 and 2 - Corporation.
Mr S L Babar, AGP, *for the Respondent-State.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 21st June 2024

PC:-

1. Writ Petition (St.) No.17148 of 2024 is not on board today.
However, upon mentioning by Mr. Bhargude, learned counsel for

the Petitioner therein, the same is taken on board for consideration along with Writ Petition No.5608 of 2024.

2. Heard the learned counsel for the Petitioners.

3. In Writ Petition No.5608 of 2024, the petitioners' grievance was the alleged inaction of the 1st Respondent—the Corporation—in taking action against the unauthorised construction put up by the Petitioner in the 2nd Writ Petition (St.) No.17148 of 2024.

4. Mr. Deepak More, learned counsel for the Respondent Corporation, on instructions, states that there was no inaction on the part of the Respondent Corporation. He submits that the Petitioner, in the connected Writ Petition, had filed an Application for regularisation. The same was being considered, and upon due consideration by the order dated 19th June 2024, such application has been rejected.

5. The learned counsel for the Petitioners states that an order dated 2nd January 2024 rejected such an application for regularisation. In any case, we need not go into this controversy because the Corporation has now rejected the application for regularisation.

6. Mr More, on instructions, states that necessary police protection has also been requisitioned by communication dated 19th June 2024 to proceed with the demolition of the unauthorised construction on 3rd July 2024

7. Learned counsel for the Petitioners in Writ Petition No.5608 of 2024 states that by recording the above statement, this Petition may be disposed of.

8. Accordingly, by recording the above statement made by Mr. More, learned counsel for the Respondent – Corporation, we dispose of Writ Petition No.5608 of 2024.

9. In Writ Petition (St.) No.17148 of 2024, the petitioner's grievance is that the Corporation was not deciding the Petitioner's application for regularisation expeditiously. Now that the application for regularisation has been rejected, this grievance does not survive.

10. Mr. Bhargude, the learned counsel for the Petitioner in Writ Petition (St.) No.17148 of 2024 submits that the Petitioner also raised a further grievance about the Corporation insisting upon no objection from the co-owners. He also seeks leave to amend this second Writ Petition and challenge the orders refusing to regularise the Petitioner's structure.

11. Considering the averments and reliefs in the second Written Petition, the second Written Petition stands substantially worked out. If the Petitioner wishes to challenge the orders by which the Corporation has refused to regularise the structures, the Petitioner in the 2nd Writ Petition is granted liberty to do so. All contentions of the Petitioner in this regard are specifically kept open. Such contentions can always be examined independently of the order made in the first petition. However, there is no point in retaining the 2nd Writ Petition or allowing it to be amended so as to change its fundamental nature or structure.

12. For the above reasons, both these Petitions are disposed of.
There shall be no order as to costs.

(Kamal Khata, J)

(M.S. Sonak, J)