

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.63 OF 2024

Prashant Jayant Raul and anr. : Petitioners.

Vs.

The Pimpri Chinchwad Municipal
Corporation (PCMC)
Through the Municipal Commissioner
and Chairman, Tree Authority and ors. : Respondents

Ms. Ronita Bhattacharya Bector for the Petitioners
Mr. Kedar B. Dighe for Respondent No. 1 – PCMC.
Mr. Vijay D Patil for Respondent No.2 – PMRDA.
Mr. Pralhad Paranjape a/w Mr. Rahul Punjabi and Mr. Yash Tembe
for Respondent No.4.
Ms. Sarika Shetye i/by Mr. Sachindra Shetye for Respondent –
State Election Commission, Maharashtra.
Mr. Ashutosh Kumbhakoni, Senior Advocate i/by Mr. Akshay
Shinde for Respondent Nos. 7 and 8.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.
DATE : 09th MAY, 2024**

P.C. :

1. Learned Counsel for the Petitioners has tendered a
Schedule of Amendment seeking amendments in the array of
Respondents along with deletion of Respondent No.7. The prayer
for amendment in terms of Schedule of Amendment tendered to

the Court today is allowed. Let the necessary amendment be incorporated in the array of Respondents by the Learned Counsel for the Petitioners during the course of the day. Re-verification is dispensed with.

2. Issue notice to the Respondents.

3. On behalf of Respondent No.1 – PCMC, Learned counsel Mr. Kedar Dighe has put in appearance and waives service notice. On behalf of Respondent No.2 – PMRDA, Learned Counsel Mr. Vijay Patil has put in appearance and waives service of notice. On behalf of Respondent Nos. 3, 5 and 6, Learned Government Pleader Mr P. P. Kakade has put in appearance and waives service of notice. On behalf of Respondent No.4, Learned Counsel Mr. Pralhad Paranjape has put in appearance and waives service of notice. On behalf of Respondent Nos. 7 and 8 Mr. Ashutosh Kumbhakoni, Learned Senior Counsel, assisted by Learned Counsel Mr. Akshay Shinde, has put in appearance and waives service of notice on behalf of these Respondents.

4. Concern raised in this Public Interest Litigation Petition is in respect of two plots viz. Plot No.192 (Part) and 194 (Part) situate at Sector 29 in Ravet, Pune, which, according to the Petitioners, are reserved for 'open space' and 'government purposes' respectively, however, the same are being put to use different from the use for which they are reserved under the Unified Development Control and Promotions Regulations for Maharashtra.

5. Another concern expressed in this PIL Petition is that presently in Plot No.194 (Part) a godown is being constructed for storage of EVMs and VVPATs and that the said construction may extend to Plot No.192 (Part) which is reserved as 'open space' and where such activity cannot be permitted.

6. As per the averments made in this PIL Petition, in Plot No.192 (Part), which is reserved as open space, about 600 trees have been planted as a compensatory forestation and in case

any construction, which is presently taking place in Plot No. 194 (Part) is extended to Plot No.192 (Part), the same will result in felling of trees already planted as a measure of compensatory forestation.

7. We also notice that the land comprised in these two Plots has been handed over to Election Commission of India through the Collector, who is a District Election Officer. However, it appears that no process of requisition/acquisition has been resorted to though the land belongs to Respondent No. 2 – Pune Metropolitan Region Development Authority (PMRDA).

8. The matter raises issue relating to larger public interest and environment as well. Hence we call upon all the Respondents to file their Affidavits in Reply by 10th June 2024. A week's time thereafter shall be available to the Petitioners to file Rejoinder Affidavit, if any.

9. Stand over to **18th June 2024**, to be shown High on Board.

10. Mr. Kumbhakoni, Learned Senior Counsel for Respondent Nos. 7 and 8, on the basis of instructions received from District Election Officer/Collector, has submitted that in Plot No.192 (Part), which in Exhibit H to the Petition has been shown to be reserved as 'Open Space No.5', having an area of 1.69 hectare, shall not be used for any construction activity; neither the trees standing thereon shall be cut till next date of listing. He has also stated that the said plot is bounded by a fence which shall also not be disturbed. We further provide that plants in Plot No.192 (Part) shall continue to be provided with watering/irrigation facility.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)