

Jvs.

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

PUBLIC INTEREST LITIGATION NO. 10 OF 2024

Ashish Dnyandeo Mane	}	Petitioner
Versus		
Pune Municipal Corporation & Ors.	}	Respondents

Mr. Amol B. Jagtap for petitioner.

Mr. Abhijit P. Kulkarni with Mr. Abhishek Roy,
Mr. Shreyas R. Zarkar, Mr. Gourav Shahane
and Ms. Sweta Shah for respondents 1 to 6.

Mr. Surel Shah, Senior Advocate with
Mr. Nachiket Khaladkar for respondent no. 7.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: FEBRUARY 21, 2025

ORDER: (Per Chief Justice)

- 1.** Heard learned counsel for the parties.
- 2.** Rule. With consent of learned counsel for the parties, Rule is made returnable forthwith and heard finally.
- 3.** The petitioner claims to be a public spirited individual and has filed this PIL seeking a direction to respondents 1 to 6 to increase the fine amount levied on respondent no. 7 and to recover the same along with interest @ 18% p.a.
- 4.** The facts giving rise to filing of the present PIL are that respondent no. 7 had sought permission from Pune Municipal Corporation (PMC) to install the electric cable. The application

submitted by respondent no. 7 was granted by an order dated 23rd May 2022. According to the petitioner, respondent no. 7 failed to carry out the installation of electric cable within prescribed time limit and unauthorizedly dug the road. The PMC thereupon on 30th November 2022 issued a notice to respondent no. 7 and levied fine of Rs.1,83,30,000/-. The petitioner submitted an application under the Right to Information Act, 2005 and found out that the PMC has levied lesser rate of penalty on respondent no. 7 as compared to other builders. It is pointed out that the PMC had levied penalty @ Rs.12,192 x 3 per meter in respect of other builders, whereas the penalty levied to the respondent no. 7 was @ Rs.2350 x 3 per meter. Hence this petition.

5. When the matter was called out today, learned counsel for respondent no. 7, at the outset, submitted that the respondent no. 7 has filed a suit being R.C.S. No. 1838 of 2023 against the PMC seeking relief of declaration and permanent injunction, in which the respondent no. 7 has disputed its liability to pay the amount. It is further pointed out that the Civil Judge, Junior Division (PMC Court), Pune, by an order dated 9th July 2024, has granted injunction restraining the PMC from recovering the amount of fine from respondent no. 7.

6. Learned counsel for the PMC has stated that the aforesaid civil suit has been filed, in which the PMC has filed a written statement disputing the claim of respondent no. 7. It is further submitted that the PMC shall prosecute the aforesaid civil suit diligently.

7. In view of the aforesaid submissions made by learned counsel for respondent no. 7 and learned counsel for PMC, it is

evident that no relief as sought for by the petitioner in this PIL can be granted as the subject matter of the recovery of the amount of fine is pending adjudication in the civil suit. In the aforesaid circumstances, no further orders need to be passed in this PIL.

8. Accordingly, the PIL is disposed of with liberty to the petitioner to intervene in the aforesaid civil suit being R.C.S. No.1838 of 2023 filed by respondent no. 7.

9. It is made clear that this Court has not expressed any opinion on the merits of the case.

JAYANT
VISHWANATH
SALUNKE

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(BHARATI DANGRE, J.)

(CHIEF JUSTICE)