

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14463 OF 2024

Dynasty Agr Constro LLP

.....Petitioner

Vs.

The Pune Municipal Corporation,
Through its Commissioner & Ors.

.....Respondents

Ms. Mayur Khandeparkar a/w Ms. Minal Chandnani i/by Jaiwant Chandnani & Associates for the Petitioner.

Mr. Vishwanath Patil a/w Akshay Naidu for Respondent No.1-PMC.

Mr. P. G. Sawant, AGP for Respondent Nos.2 and 5-State.

CORAM : A. S. GADKARI AND
ARIF S. DOCTOR, JJ.DATE : 29th JANUARY, 2025.

PC.:-

1) Perusal of record and the arguments advanced at bar by the learned counsel for Respondent No.1 on one side and Respondent Nos.2 and 5 on the other side clearly indicates that, there is no coordination in the two Government Departments *inter se* and ultimately the citizens are the sufferers.

2) Way back in the year 1992, in the case of *Oil And Natural Gas Commission And Another Vs. Collector of Central Excise* reported in 1992 *Supp (2) Supreme Court Cases 432*, the Hon'ble Supreme Court in Paragraph No.3 has observed as under:

“3. This Court has on more than one occasion pointed out that Public Sector Undertakings of Central Government and the Union of India should not fight their litigations in Court by spending money on fees of counsel, court fees, procedural expenses and wasting public time. Courts are maintained for appropriate litigations. Court’s time is not to be consumed by litigations which are carried on either side at public expenses from the source. Notwithstanding these observations repeated on a number of occasions, the present cases appear to be an instance of total callousness.”

3) Present case discloses the sorry state of affairs between the said two Departments even after 33 years of the observations made by Hon’ble Supreme Court. It appears to us that, the Respondents-Government entities are more interested in needless litigation rather than resolving the issues and problems being faced by the citizens.

4) Learned counsel appearing for Respondent No.1, on instructions, submitted that the Additional Commissioner of Municipal Corporation having territorial and/or legal jurisdiction over the suit property, will file a detailed reply to the Petition. This be done within a period of three weeks from today.

5) Stand over to 20th February, 2025.

6) Till the returnable date, ad-interim relief in terms of prayer clause (c).

(ARIF S. DOCTOR, J.)

(A.S. GADKARI, J.)