

Pdp

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

PUBLIC INTEREST LITIGATION NO. 71 OF 2024

Sachin Ranganath Bhagat

.. Petitioner

Versus

Pune Municipal Corporation & Anr.

.. Respondents

Mr. Niranjan Mogre for petitioner.

Mr. Vishwanath Patil for respondent no.1-PMC.

Mr. O. A. Chandurkar, Addl. Govt. Pleader with Mr.
M. M. Pabale, AGP and Mrs. G. R. Raghuwanshi,
AGP for respondent nos. 3 to 6.

PRAVIN
DASHARATH
PANDIT

Digitally signed
by PRAVIN
DASHARATH
PANDIT
Date:
2025.02.13
17:56:34
+0530

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

DATE: 13th FEBRUARY, 2025

P.C.:

- 1.** With the consent of the learned counsel for the parties, PIL is heard finally.
- 2.** In this petition filed as Public Interest Litigation, the petitioner has assailed the validity of the action of Pune Police Department taking 10 Ares of land out of Survey No. 45B of Wadgaonsheri, Pune, which is reserved for Talathi Office, and illegally shifting the alignment of Nallah (Watercourse) from over the portion of land allotted to Police Department to the remaining portion of land reserved for Talathi Office of Survey No.45B, Wadgaonsheri, Pune.

3. Facts giving rise to filing of the PIL briefly stated are that the petitioner is an ex-Corporator and claims himself to be a public spirited individual. As per the averments made in the petition, out of total land of Survey No. 45B situate at Wadgaonsheri, Pune, land admeasuring 10 Ares was reserved for the purposes of construction of Talathi Office. However, the grievance of the petitioner is that Nallah has been diverted on the land reserved for the Talathi Office. Therefore, the petitioner has prayed for the following reliefs: -

- (a) That this Hon'ble Court may be pleased to direct the Respondents to make available 10 Ares of land from S. No. 45B of Wadgaonsheri for construction of Talathi Office.
- (b) That this Hon'ble Court may be pleased to call for record and proceedings with respect to the shifting of nallah from the centre of S.No. 45B of Wadgaonsheri, Pune to the eastern side corner of the said plot, and after verifying legality, validity and propriety of the same, he pleased to take such action against the Respondents and is necessary in the interest of justice."

4. We have heard learned counsel for the parties at length.

5. From the affidavit in reply filed on behalf of respondent no.1, it is evident that the land admeasuring 10 Ares from Survey No.45B situate at Wadgaonsheri, Pune is reserved for the Talathi Office. Needless to state that the land reserved for the purpose has to be utilized for that purpose alone.

6. In so far as the contention of the petitioner with regard to shifting of Nallah, the same being disputed question of fact, cannot be gone into the proceedings under Article 226 of the Constitution of India, which is summary in nature. Therefore,

liberty is reserved to the petitioner to take recourse to such remedy as may be available to him with regard to his grievance of shifting of Nallah.

7. With the aforesaid liberty, PIL is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)