

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14934 OF 2022

Avinash Dyaneshwar Dhamale and another

Petitioners

Versus

Pimpri Chinchwad Municipal Corporation and another

Respondents

WITH
INTERIM APPLICATION NO.6930 OF 2024
IN
WRIT PETITION NO.14934 OF 2022

Mangalmurti Ganesh Deo and others

Applicants

In the matter between :

Avinash Dyaneshwar Dhamale and another

Petitioners

Versus

Pimpri Chinchwad Municipal Corporation and another

Respondents

Mr.Ranjeet Thorat, Senior Advocate with Mr.Akshay Deshmukh, Mrs.Pratibha Shelke i/by Mr.Sumit Choudhary for Petitioner.

Mr.Kedar B.Dighe for Respondent nos.1 and 2.

Mr.Mandar Limaye i/by Mr.Sarang Aradhye for Respondent no.3.

Mr.Abhijit P.Kulkarni with Mr.Gaurav Shahane, Ms.Sweta Shah for Applicant in IA.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 24th September 2025

P.C.

1. This petition under Article 226 of the Constitution is filed for following substantive reliefs :

“a) Be pleased to call for record and proceedings the order cum notice dated 23rd August 2022 issued by the respondent no.1 herein and

after going through the same and after satisfying its validity, legality and propriety, be pleased to quash and set aside the same”

2. There was an ad-interim relief granted vide order dated 19th December 2022. The said protection had continued. It is on such backdrop we have heard learned counsel for the parties.

3. After the proceedings were heard for some time, the learned counsel for Petitioners on instructions states that the Petitioner is present in the Court and has stated that objectionable construction u/s.53(1) shall be removed by the Petitioner within a period of two months from today. The statement as made is accepted. In view of above, further adjudication of the matter is not called for.

4. We would also clarify that the Petitioner was intending to undertake development and permission was also granted, however, in view of the proceedings in respect of such issue, the permission was cancelled. Be that as it may, now the Petitioner has undertaken to remove the structure within two months. The same shall be removed accordingly. The issue of notice u/s.53(1) and acceptance by Petitioner to remove the structure will not come in the way of Petitioner in pursuing the issue of development permission which is now pending before the appropriate authority. All contentions of parties in that regard are expressly kept open.

5. The writ petition is disposed in the above terms. No costs. Interim Application does not survive and stands disposed of.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)