



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 843 OF 2025

Mr Kusumakar Hari Gokhale and Anr. ...Petitioners

Versus

Pimpri-Chinchwad Municipal Corporation
and Ors. ...Respondents

Mr S C Wakankar, i/b Mr Mandar Limaye, for the Petitioners.
Mr Kedar Dighe, for the Respondent-Corporation (PCMC).
Ms M S Bane, AGP, for the Respondent-State.

CORAM: **M.S. Sonak &
Jitendra Jain, JJ.**

DATED: **17 January 2025**

PC:-

1. Not on board. Upon mentioning taken on board.
2. Heard learned counsel for the parties.
3. The arguments now raised by Mr Wakankar are almost identical to the arguments raised on behalf of the petitioners in Writ Petition No. 182 of 2022 and connected matters.
4. After hearing the arguments in Writ Petition No. 182 of 2022 and connected matters, by our order dated 16 January 2025, we declined the ad-interim relief. By adopting the same reasoning we declined ad-interim relief in this petition as well.
5. Even in this petition, we find that the petitioners have prima facie suppressed the undertaking filed by the

petitioners to make available the property should there be any proposal for a road widener. Besides, the document at Exhibit 'G' (page 49) shows that the petitioners had put up construction and then given an undertaking that no objections would be raised if such construction was removed if this portion was required for road widening.

6. Road widening project is a public purpose. The award in this case was made on 15 October 2024. Learned counsel for the Corporation states that the award has considered all the contentions which are now sought to be raised on behalf of the petitioners. The challenge now is to the notice for taking over the possession in pursuance of the award. The award, though made on 15 October 2024, this petition has been instituted only on 16 January 2025.

7. With the above reasons together with the reasoning in our order dated 16 January 2025 declining ad-interim relief in Writ Petition No. 182 of 2022 and connected matters, we reject the prayer for ad-interim relief.

8. Stand over to 07 February 2025. Tag this petition along with Writ Petition No. 182 of 2022 and connected matters.

9. If the respondents wish to file replies they should file and serve such replies by 28 January 2025.

10. If the petitioners wish to file any rejoinder, they should file and serve such rejoinder by 04 February 2025.

(Jitendra Jain, J)

(M.S. Sonak, J)