

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.5201 OF 2025

Ganpat Shankar Kute and ors.

Petitioners

Versus

The State of Maharashtra and ors.

Respondents

with  
INTERIM APPLICATION NO.1086 OF 2025  
IN  
WRIT PETITION NO.5201 OF 2025

Dattatraya Moreshwar Rabade and ors.

Applicants

Ganpat Shankar Kute and ors.

Petitioners

Versus

The State of Maharashtra and ors.

Respondents

Mr. Abhijit P. Kulkarni along with Mr. Gourav Shahane and Mr. Krushna Jaybhay and Ms. Shweta Shah, Advocate for the Petitioners.

Mr. B. V. Samant, Addl. G. P. along with Ms. M. S. Bane, AGP for the Respondent Nos.1, 5 and 6-State.

Mr. Vishwajit P. Sawant, Senior Advocate along with Mr. Prabhakar M. Jadhav, Advocate for Respondent Nos.7BA, 7CAA, 7CAC, 7DA, 7DC and 9AC.

Mr. Divyesh K. Jain along with Mr. Nitin Gaware Patil along with Mr. Umesh Bodhke, Advocates for Respondent Nos.8A, 8B and 10.

Mr. Nitin Deshpande, Advocate for Respondent No.2/PMRDA.

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

DATE: 24<sup>th</sup> September 2025

P.C.

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

a. Rule be issued. Record and proceedings be called for.

SHUBHADA  
SHANKAR  
KADAM

Digitally signed by  
SHUBHADA  
SHANKAR KADAM  
Date: 2025.09.30  
12:27:02 +0530

- b. By the appropriate Writ order and/or directions, this Hon'ble Court may kindly be pleased to direct officers of Pune Metropolitan Region Development Authority, Pune (For short PMRDA) to take cognizance of the Representation, Objection letters written by the present Petitioners dated 21.05.2024 (Exhibit-P), 26.08.2024, MRDA 31.08.2024 (Exhibit-R Colly), 30.08.2024, 03.09.2024 (Exhibit-S Colly), 16.08.2024 (Exhibit-U) and grant them opportunity of hearing before completion of the process of 6.25% grant of Partawa Land with respect to the Writ Properties i.e. S. No. 19 and S. No. 20 (as per old Mutation Entry) of village- Aakurdi, Tal- Haveli, Dist-Pune as per G.R. dated 14.03.2024 passed by Urban Development Department of State of Maharashtra;
- c. This Hon'ble Court may kindly be pleased to direct the Officers of Respondent PMRDA to keep on hold the Proposal for Partawa Land in respect of Writ Properties until the issues about title over Writ Properties are finally decided which are at present pending before by Maharashtra Revenue Tribunal, Pune in Revision Application No. M.R.T./P/VII/9/79 and the Restoration Applications therein.

2. The case of the petitioners is in respect of land-bearing survey Nos.19 and 20 situated at Village Akrudi, Taluka – Haveli, District Pune. The lands were subject matter of acquisition in the year 1970 and are currently under the limits of the Pune Metropolitan Region Development Authority (for short “PMRDA”). The case of the petitioners is that originally the lands were Inam lands. The petitioners are tenants and in respect of the acquisition proceedings which were held in respect of these lands. The petitioners had legal rights to assert compensation in the form

of *partawa* lands as per the policy of the State Government. It also appears that there are proceedings which were initiated by the petitioners under the Bombay Tenancy and Agricultural lands Act, 1959 (for short “the BT & AL Act”). There are orders passed on such proceedings. There are also proceedings pending before this Court in this context arising from the orders passed under Section 33B of the BT & AL Act. Admittedly the acquiring body had taken the possession of the land. The issue now, which is the subject matter of consideration before the competent authority of the PMRDA is in regard to the entitlement of the petitioners for the *partawa* lands. There are also claims in that regard which are made by the owners of the land, who are respondents Nos.7BA, 7CAA, 7CAC, 7DA, 7DC and 9AC who are represented by Mr. Vishwajit Sawant, learned Senior Advocate and other branch of the owners of land are respondent Nos. 8A, 8B and 10 who are represented by Mr. Divyesh Jain, learned Advocate. This is the complexion of the proceedings which is on the file of the competent officer and more particularly in terms of the substantive prayer clause (b) as made in the petition.

3. The apprehension made is that on the objections/representations which are made by the petitioners dated 21<sup>st</sup> May 2024, 26<sup>th</sup> August 2024, 31<sup>st</sup> August 2024, 3<sup>rd</sup> September 2024 and 16<sup>th</sup> August 2024 being not granted an opportunity of hearing to the petitioners, and also the view has been taken that the petitioner has filed the present petition for the reliefs as are noted above.

4. Mr. Nitin Deshpande, learned counsel appearing for respondent Nos.2, 3 and 4 (PMRDA) has stated that the issues are entered at large before the

competent officer of the PMRDA who is in process of hearing all the parties and would be taking a decision in accordance with law. He has fairly submitted that the petitioners are permitted to file the written submissions, if they so desire and accordingly, after hearing all the parties viz. the petitioners and also the owners of the land, an appropriate decision in accordance with law would be taken by the competent officer.

5. We, accordingly, permit all the parties to submit their written submissions in addition to the representations/objections which are already on the record of the competent officer. Let the same be filed within a period three weeks from today. The competent officer of the PMRDA shall hear all the parties and shall pass an appropriate orders in accordance with law in respect of entitlement of 6.25 % grant of partawa lands in question and as set out in the prayers made in the petition.

6. In the event, any of the party who does not succeed in the proceedings, is desirous to challenge the orders which may be rendered by the competent authority, in that event, such order may not be implemented for the period of three weeks from the date of communication of the order.

7. All the contentions of all the parties in the proceedings pending before the competent authority are kept open.

8. The petition disposed of in aforesaid terms. No costs.

9. Interim Application No.10861 of 2025 dated filed for vacating the interim order dated 24<sup>th</sup> April 2025 would also not survive. It stands disposed of.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)