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

## WRIT PETITION NO. 5879 OF 2025

Vikas Shankar Kale & Ors ...Petitioners

Versus

Municipal Commissioner Pimpri Chinchwad Municipal Corporation And Ors ...Respondents

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Mr. Suhas Deokar for Petitioner.
Mr. Deepak R. More a/w Mr. Shriram A. Gawade for Respondent Nos.1 & 2.

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CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE : 26th JUNE, 2025.

P.C:

1 The only substantive relief sought for in the captioned petition is as follows:

> "*a) This Hon'ble Court be pleased to issue the Writ of Mandamus or Certiorari or any other appropriate Writ/Direction/Order in the nature of writ of mandamus or certiorari under Article 226 of the Constitution of India, 1950 your Lordship be pleased to direct the Respondent Nos. 1 and 2 to implement and execute the notice dated 22.04.2022 and thereby pull down the unauthorized construction in time bound manner;*"

2 Heard the Learned Counsel for the parties.

3 Mr. Deokar, learned counsel appearing on behalf of the Petitioners submits that the Petitioners are all members of the "Culture Crest Co-operative Housing Society", wherein Respondent Nos.3 to 11 (also members) have

carried out various illegal and unauthorized development/construction to their respective units.

4 Mr. Deokar points out that the fact that there has been illegal and unauthorized development/construction is not in dispute since Respondent No.2 has issued notices dated 22nd April 2022 under Section 53 of the Maharashtra Regional Town Planning Act 1966 (MRTP Act) to Respondent Nos.3 to 11.

5 Mr. Deokar submits that the grievance of the Petitioners is that despite the issuance of these notices, Respondent Nos. 1 and 2 have failed to act and thus the action taken by them is only on paper. He submits that not only do the illegalities subsist, but there has been further illegal and unauthorized construction in the Petitioners' Society.

6 *Per contra*, Mr. More learned counsel appearing on behalf of Respondent Nos.1 and 2, disputes any dereliction of duty on the part of Respondent Nos.1 and 2. He submits that Respondent Nos. 1 and 2 are required to act as per the circular dated 25th April 2025 issued by the State Government (Revenue and Forest Department) which pertains to identification and removal of unauthorized construction. He therefore points out that Respondent Nos.1 and 2 are required to comply with the prescribed procedure for demolition of unauthorized construction and which is what Respondent nos.1 and 2 are infact doing as more particularly set out in paragraph 10 of the said Affidavit which reads thus :

"*10) I further state that in compliance with the above circular, my office*

*will undertake a site visit for conducting inspection of the concerned premises. I say that during inspection, if it is noticed that the respondents who did submit their undertakings to the corporation, have not adhered to their undertakings then accordingly the necessary panchnama will be carried out and the necessary police protection will be asked for enabling the officers to undertake removal/demolition of the remaining unauthorised construction. I say that after police protection is made available the corporation will take steps to remove the remaining/balance portion of unauthorised construction mentioned in the notice dated 22-04-2022. However PCMC is bound to follow Maharashtra Government Order No.2021/Pr.kr.208/Navi-20 Dated-29/06/2021 while demolishing these structures."*

7 Basis the above, he submits that the Petitioners contentions are plainly misconceived and submits that the Petition therefore be dismissed.

8 Respondent Nos. 3 to 11 though served have not appeared.

9 Given the above, and in view of the fact that there is today no dispute that (i) Respondent Nos. 3 to 11 have carried out unauthorized construction (ii) notices under Section 53 of the MRTP have been issued by Respondent Nos. 1 and 2 in respect of the unauthorized construction and (iii) Respondent Nos. 1 and 2 have in their Affidavit dated 24th June 2025 undertaken to take action as per law, we pass the following Order.

(i) The undertaking given by Respondent Nos. 1 and 2 in paragraph 10 of the Affidavit dated 24th June 2025 (as extracted above) is accepted.

(ii) Respondent Nos. 1 and 2 shall in terms of the said undertaking ensure compliance with the said notices within a period of six

weeks from the date on which this Order is uploaded.

(iii) List for compliance on 13th August 2025.

10 Petition disposed of. No costs.

[ARIF S. DOCTOR, J.] [G.S. KULKARNI, J.]