

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10738 OF 2025

Vilas Vitthal Sakhare

.....Petitioner

Vs.

The State of Maharashtra & Ors.

.....Respondents

Ms. Madhavi Tawanandi a/w Ms. Jagruti Nimbalkar i/b Mr.Suraj Chakor for the Petitioner.

Mr. B. V. Samant, Addl. G.P a/w Ms. Tanu N. Bhatia, for the Respondent-State.

Mr. Rohit Sakhadeo for Respondent No.2.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 26th AUGUST 2025.

P.C.:-

1. Heard learned counsel for the parties.
2. The Petitioner has filed the aforesaid Petition apprehending actions / orders by the Respondent No.2 -PMRDA in the proposed widening of the Wakad – Hinjewadi road from 30 meter to 36 meters.
3. According to the learned counsel for the Petitioner the said action of the Respondent No.2-PMRDA will impact the Petitioner's land bearing Survey No.146-1, Hinjewadi Gram Panchayat, Pune.

SHARADA
RANGNATH
WAHULE

Digitally signed by
SHARADA
RANGNATH
WAHULE
Date: 2025.09.03
10:46:40 +0530

4. Learned counsel for the Petitioner submits that the Petitioner's land cannot be acquired by the Respondent No.2-PMRDA without following due process of law.

5. Mr. Sakhadeo, learned counsel appearing for the Respondent No.2 PMRDA has tendered an Affidavit-in-Reply of the said Respondent dated 24th August 2025. The said Affidavit is taken on record. In Paragraph Nos.6 to 10 of the said Affidavit, the Respondent No.2-PMRDA has stated as under:-

“6. PMRDA is duty bound and is following due process of law including giving hearing to the addressees of the notice i.e. the Petitioner Nos.1 & 2. As regards any other structure which may be unauthorized on the purported subject property PMRDA is duty bound by following due process of law.

7. I say that, PMRDA being statutory body is duty bound to take action against any unauthorized construction in accordance with law. I say that, PMRDA is a Special Planning Authority under the provisions of MRTP Act, 1966.

8. I say that undertaking survey is necessary part while or before undertaking or proposing work of road widening or work of similar nature and ought not to be objected by petitioners.

9. I say that, the present Affidavit is restricted to putting forth PMRDA's plan as regards any present

or proposed action related to the subject property of the Petitioner.

10. To conclude the stand of PMRDA in the present Petition, it is submitted that, any action which PMRDA undertakes in respect of actions against any unauthorized construction or in respect of any road widening work etc. PMRDA will following due process of law.”

6. In view of the aforesaid i.e. that the Respondent No.2-PMRDA will not take any action without following due process of law, the Petitioner’s apprehension does not survive as of today.

7. The Petition stands disposed of accordingly.

8. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)