

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11096 OF 2025

1. Babasaheb Eknath Sakhare
2. Savita Babasaheb SakharePetitioners
Vs.
The District Collector Pune and Ors.Respondents

SHARADA
RANGNATH
WAHULE

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SHARADA
RANGNATH
WAHULE
Date: 2025.09.04
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Mr.Chetan Nagare a/w Mr. Dhanraj Kate, for the Petitioner.
Mr. B. V. Samant, Addl.G.P a/w Ms. Tanu N. Bhatia, AGP for the
Respondent-State.
Mr. Rohit Sakhadeo, for Respondent No.6.
Mr. Ravindra S. Pahundkar, for Respondent No.3.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 26th AUGUST 2025.

P.C.:-

1. Heard learned counsel for the parties.
2. The Petitioners have filed the aforesaid Petition seeking a direction to the Respondent Authority in particular, the Respondent No.6-PMRDA to restrain them from taking forcible possession of the Petitioners' land bearing Survey No.218/3, situated at village Hinjewadi, Taluka Mulshi, District Pune, admeasuring 104 R; for the road widening project, without following due process of law.

3. Learned counsel for the Petitioner submitted that the Petitioners' land cannot be acquired by the Respondent No.6-PMRDA without following due process of law.

3. Learned counsel appearing for the Respondent No.6-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.4 to 9 of the said Affidavit, it is stated as under:-

“4. PMRDA while undertaking widening of the existing Road in accordance with sanction regional plan, shall follow due process of law. In the event, the Petitioner's purported subject property is likely to be affected, procedure in accordance with law shall be followed while undertaking such a exercise.

5. I say that due process of law will be followed for taking possession of the land from the concerned land owner/s before doing the widening work of the said road and compensation process will be in accordance with law.

6. At this moment, it will not be possible to mention the exact areas from the subject property of the petition which will be affected by the presently proposed road widening. The petitioner will also have to furnish relevant documents showing his entitlement such as proof of ownership, measurement maps, relevant government records and other necessary formalities. These are issues that can be determined only after detailed survey and scrutiny in accordance with law.

7. I say that since the proposed work is in the nature of

public welfare, it is prayed that the order of status-quo passed in this writ petition be vacated and liberty be granted to PMRDA for proceeding in accordance with law. 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.

8. I say that, as regards unauthorized construction removal process in the subject property if any, PMRDA will be following due process of law including issuing statutory notices and giving hearing etc. and consequential action.

9. As regards any action present or future regarding acquisition of subject property if any is undertaken by PMRDA, PMRDA will be following due process of law.”

4. In view of the aforesaid, i.e that the Respondent No.6-PMRDA will not take any steps without following due process of law, nothing survives for further consideration in this Petition, as of today.

5. The Petition stands disposed of accordingly.

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

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)