

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2737 OF 2018**

Vishal Madhukar More and Ors. V/s The State of Maharashtra through Principal Secretary & Ors.	 Petitioners. Respondents.
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**WITH
CRIMINAL PUBLIC INTEREST LITIGATION NO.2 OF 2023**

New Kopare Punarvasan Kruti Foundation through its President Suresh Dattatreya More. V/s The State of Maharashtra and Ors.	 Petitioner Respondents.
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**WITH
INTERIM APPLICATION NO.6650 OF 2025
IN
WRIT PETITION NO.2737 OF 2018**

Vishal Madhukar More and Ors. V/s The State of Maharashtra through Principal Secretary & Ors.	 Petitioners. Respondents.
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**WITH
CIVIL APPLICATION NO.941 OF 2018
IN
WRIT PETITION NO.2737 OF 2018**

Kakade City through Chairman/Secretary V/s Vishal Madhukar More and Ors.	Applicant. Respondents.
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**WITH
CIVIL APPLICATION NO.1580 OF 2018
IN
WRIT PETITION NO.2737 OF 2018**

Kopre Punarvasan Pratishthan Applicant.
V/s
Vishal Madhukar More and Ors. Respondents.

**WITH
INTERIM APPLICATION NO. 17983 OF 2023
IN
WRIT PETITION NO.2737 OF 2018**

Dattatray Ramchandra Pawar and Ors.Applicants.
V/s
The State of Maharashtra
through Principal Secretary and Ors. Respondents.

**WITH
PUBLIC INTEREST LITIGATION NO.135 OF 2009**

Shree Kamladevi Gramvikas Pratishthan
and Ors. Petitioners.
V/s
The State of Maharashtra and Ors. Respondents.

**WITH
WRIT PETITION NO.12670 OF 2019**

Mr. Sunny D. Dhavade and Ors. Petitioners.
V/s
The State of Maharashtra
through the Principal Secretary and Ors. Respondents.

**WITH
CONTEMPT PETITION NO.427 OF 2018**

Vishal Madhukar More and Ors. Petitioners.
V/s
The State of Maharashtra
through Principal Secretary and Ors. Respondents.

Mr Prathamesh Bhargude a/w Mr. Sumit Sonare for the applicant in Interim Application No.6650 of 2025 and for the petitioner in Writ Petition No.2737 of 2018.

Mr. Prabhakar M. Jadhav for the petitioners in PIL No.135 of 2009 and Writ Petition No.12670 of 2019.

Mr. Sanjay Koban for the petitioner in Criminal PIL No.2 of 2023.

Mr. Sanjeev Kadam, senior advocate i/b Mr. Ramdas Hake Patil for the applicant in Interim Application No.17983 of 2023 in Writ Petition No.2737 of 2018.

Mr. Karan Bhosale, Ms. Neha Bhosale, Ms. Laveena Tejawani, Mr. Abdul Basit Kudalkar i/b Rahul Kate for the respondent nos. 6, 7, 8 and 10 in Criminal PIL No.2 of 2023, for respondent no.7 in PIL No.135 of 2009, for respondent nos. 8 to 10 in Writ Petition No.2737 of 2018 and for respondent no.8 in Writ Petition No.12670 of 2019.

Mr. Akshay Desmukh a/w Mr. Sanket Kadam for the applicant in Civil Application No.941 of 2018 and Civil Application No.1580 of 2018.

Ms. Apoorva L. Thakre, advocate for the respondent nos. 5 and 9 in Criminal PIL No.2 of 2013.

Mr. Vikrant V. Parashurami a/w Mr. Karan Rampure, advocates for respondent no.7 in Writ Petition No.2737 of 2018 and Contempt Petition No.427 of 2018 and for respondent no.8 in PIL No.135 of 2009.

Mr. Someshwar Pawale Patil i/b Mr. Purshottam Gopal Chavan, advocates for respondent no.8 in PIL No.135 of 2009.

Mrs. Neha Bhide, GP a/w Mr. P.P. Kakade, Addl. GP with Mrs. G.R. Raghuwanshi, AGP for State-respondent nos. 1, 2 and 4 to 6 in Writ Petition No.2737 of 2018, in PIL No.135 of 2009 and in Contempt Petition No.427 of 2018 for respondent nos. 1 and 2 in Criminal PIL No.2 of 2023, respondent nos. 1, 2, 5, 6 and 9 in Writ Petition

No.12670 of 2019.

Mrs. M.M. Deshmukh I/C PP a/w Mr. S. V. Gavand, APP for the State in Criminal PIL No.2 of 2023.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 29TH SEPTEMBER 2025.

Per, Shree Chandrashekhar, CJ

Following prayers have been made in Writ Petition No.2737 of 2018 :

“a. That this Hon’ble Court be pleased to call for the records and proceedings relating to the government Resolution dated (10/7/2002, order of the Collector dated 5/9/2002, order of the Sub-Divisional officer dated 7/9/2002 and undertaking dated 7/9/2002 and after examining the contents and correctness of the same be pleased to direct the Respondent Nos. 1, 2 and 5 to revoke the development right granted to the Respondent Nos.7 & 8 pertaining to lands bearing survey Nos. 16, 18, 19, 51 and 53 of Mauje Hingne Budruk, Maharshi Karve Nagar, Taluka Haveli, District Pune and be pleased to further direct the said Respondent No.2 and 5 to take possession of the said land.

b. That this Hon'ble Court be pleased to issue a writ in the nature of mandamus or any other appropriate Writ, Order or direction directing the Respondent Nos. 1 to 4 & 5 to conduct an enquiry with respect to the rehabilitation of the villagers of the new Kopare Village and the violations committed by the Respondent No.7 & 8 and also inquire into the sub divisions and third party rights created on the rehabilitation land, illegal construction done in violation of law and take necessary action against the said Respondent No.7 (10 and for the cancelation of such illegal deeds agreements and documents.

c. That this Hon'ble Court be pleased to issue a writ in the nature of mandamus or any other appropriate Writ, Order or direction directing the Respondent No.1 and 2 to take over the rehabilitation scheme of the new Kopare Village and ensure that the necessary steps are taken to ensure that all the villagers of the new Kopare Village are rehabilitated as per the original terms within a span of one year.

d. That this Hon'ble Court be pleased to issue a writ in the nature of mandamus or any other appropriate Writ, Order or direction directing the Respondent No.3 & 5 to immediately take necessary action against the construction being put up and already put up by the Respondent No.7 & 8 on the said lands and take necessary action for demolishing the same and prohibiting any further construction.

e. That this Hon'ble Court be pleased to direct the State of Maharashtra to initiate an enquiry in respect of the entire rehabilitation scheme being implemented by the Respondent Nos.7 & 8 on survey numbers 16, 18, 19, 51 and 53 on Mouje Hingane, Budruk, Maharshi Karve Nagar, Taluka Haveli, District Pune and also inquire into the sub divisions and third party rights created on the rehabilitation land and submit a report as to the illegalities committed and the action taken on the same and also be pleased to called for record and preceedings relating to the order of Collector dated 05-09-2002 & order of SDO dated 7/9/2002 in respect of 70:30 ratios and other matters therein after examining the legality and validity of the same be pleased to quash and set aside the same.

f. That pending the hearing and final disposal of the present Petition the Respondent No.2, 3 and 5 be restrained from giving any further permissions, certificates or concessions to the Respondent Nos. 7 & 8 and be pleased to direct the Respondent No.3 to conduct an enquiry as to the construction being put up by the Respondent No.7 and 8.

g. Pending the hearing and final disposal of the present petition this Hon'ble court be pleased to direct the Respondent Nos.2, 3 & 5 to issue stop work notice to the Respondent Nos.7 & 8 in respect of all construction which is being carried out and which is proposed to be carried out on the rehabilitation land and be pleased to restrain the Respondent No.7 & 8 from selling, alienating or assigning any further constructed or open portion of rehabilitation land to any party or person. Pending the hearing and final disposal of the present petition this Hon'ble court be pleased to appoint a Court Receiver in respect of the entire rehabilitation land and construction on survey numbers 16, 18, 19, 51 and 53 on Mouje Hingane, Budruk, Maharshi Karve Nagar, Taluka Haveli, District Pune.

h. Ad-interim and interim relief in terms of prayer clause (f) (g) & (h) above be granted.

i. For the cost of this petition.

j. For such and other reliefs as in the nature and circumstances of the case this Hon'ble Court may deem fit and proper be passed."

2. The petitioners state that it was around 1942 that the entire village Kopare was occupied by army during the British rule and residents of the said village were rehabilitated and settled over the lands comprised under Survey No. 407 (pt) of village Kondhave Dhavade and Survey No.19 (pt) of village Shivne. The petitioners have outlined the details of acquisition and the layout map prepared by the Town Planning Department at Pune and state that an agreement was executed on 10th September 2001 on the following

terms and conditions:-

- i. A flat admeasuring 1000 sq.ft. built up area would be provided.*
- ii. One time corpus fund of Rs. Fifty lakhs would be provided for residential tenements and another 50 lakhs for common amentities*
- iii. Three Temples of 500 sq.ft. each*
- iv. Office of 500 sq.mtr.*
- v. Gymnasium of 1500 sq.ft.*
- vi. Hall of 6400 sq.ft. (Built-up) air conditioned.*
- vii. Talim admeasuring 500 sq.mtr with all equipments.*
- viii. The entire village would be provided with Boundary Wall, Doors, Internal Roads, Open Spaces, Drainage and Street Lights.*
- ix. The construction was to be completed within a period of 3 years and in case of delay the Respondent no. 7 had agreed to pay the villagers an amount of Rs. 1000/- monthly by way of compensation/penalty, which was revised from time to time. From the date of development agreement, till date the construction has not been completed nor has paid compensation to the villagers.”*

3. The petitioners further state that a limited power of attorney was executed by the villagers on 10th September 2001 in favour of Mr. Suryakant Kakade (respondent no.7) for carrying out development as per the terms and conditions of the development agreement. However, the said person manipulated and fraudulently changed his name as promoter in the name and style of M/s. Kakade Construction Co. Pvt. Ltd. At several places, the petitioners make serious allegations against the said person of committing forgery and making dishonest transfers in his name changing the area and demarcation of the subject land. Before proceeding further, we may indicate that on such pleadings this writ petition is not maintainable. The allegations of forgery and manipulation of records shall be the subject before the Civil Court where parties shall lead evidence. This is also a well settled proposition in law that the writ petition involving dispute over immovable property shall not be maintainable. In the entire writ pleadings, the petitioners have made allegations against M/s.

Kakade Construction Co. Pvt. Ltd. and with such background facts are seeking revocation of the development rights granted in favour of the respondent nos. 7 and 8. We may also indicate that the petitioners are the singular voice seeking the aforementioned directions from this Court. Therefore, we are not inclined to entertain this writ petition but would not restrict the rights of these petitioners if at all flowing from the orders dated 30th July 2024 and 28th April 2025 passed in the present proceedings when this writ petition was heard alongwith other writ petitions and the Public Interest Litigations. On 30th July 2024, the following order was passed by this Court:-

“1. Heard learned counsel representing the respective parties.

2. The Court in these petitions is primarily concerned with rehabilitation of the residents of village Kopare, who were shifted in the year 1942 on account of their land having been requisitioned for World War II by the British Government. In the year 1951, the land in Kopare village was acquired by way of a notification under the Land Acquisition Act, 1894 on 28th August 1951 for National Defence Academy and since then, rehabilitation process of these land-oustees is yet not complete.

3. For the purposes of rehabilitating the residents of village Kopare, the State Government, under the Land Acquisition Act, 1894, acquired certain land comprised in Survey Nos. 16, 18, 19, 51 and 53 at village Hingane, in respect of which, award was also declared on 6th January 1962. However, though the land for the purposes of rehabilitating the residents of Kopare village stood acquired in the year 1961, the rehabilitation has yet not been completed.

4. In the meantime, there have been certain developments, where a developer enters the scene and is said to have entered into development agreement with the residents of Kopare village subsequent to the settlement of the acquired land with the villagers under section 40 of the Maharashtra Land Revenue Code, 1966.

5. The Collector and the other revenue authorities are said to have conducted certain surveys for ascertaining the beneficiaries of rehabilitation and based on such surveys, certain correspondence between the revenue authorities and the State Government has made, but the actual beneficiaries and their number are yet not clear.

6. Accordingly, we call upon the Collector to constitute a team of two higher level revenue officers to gather the necessary information relating to chronological developments in the matter, which include ascertaining the families which were affected by 1942 requisition of

the land of Kopare village as also the acquisition of land of the said village in the year 1951. The committee to be constituted by the Collector shall also ascertain, on the basis of documents and revenue records, as to what procedure was adopted for ascertaining the actual beneficiaries of rehabilitation over the land acquired in the year 1961, which is situated in village Hingane. Based on such information to be provided by the Committee to the Collector, an affidavit to be sworn in by none other than the Collector himself, shall be filed before the Court within eight weeks after serving a copy thereof on the learned counsel for the parties; reply thereto, if any, shall be filed by the parties by the next date of listing.

7. The said affidavit, as observed above, shall contain the details and supporting documents in relation to the identity and number of families which were affected by requisition of land in Kopare village in the year 1942 and thereafter by acquisition of land of the said village in the year 1951. The affidavit shall also contain the information relating to the process adopted by the revenue authorities for identifying the beneficiaries of rehabilitation to be made over the land which was acquired in the year 1961 which is situated at village Hingane. The affidavit shall, thus, contain all necessary details along with documents, revenue records and the correspondences made by the revenue officials at the district level with the State Government or any other Government authorities.

8. In the meantime, we direct that in respect of creation of third-party rights, status quo, as it exists today, shall be maintained by all concerned, specially by the developer. Maintenance of status quo as on today would mean that henceforth the developer will not enter into any agreement with any third-party, neither will it execute any deed of conveyance in any form with a third-party. This status quo will not be applicable so far as rehabilitation of 29 beneficiaries, which the developer has to undertake, is concerned. Rehabilitation of these 29 beneficiaries will be completed at the earliest by the developer.

9. We also clarify that if any agreement already entered into between the developer and a third-party did not provide handing over of possession of residential/commercial premises, the possession shall not be delivered in such case.

10. Stand over to 3rd October 2024 (High on Board)

11. We make it clear that no extension of time for filing the affidavit under this order by the Collector shall be granted.”

4. It seems that status quo order passed on 30th July 2024 caused delay in execution of the project and, therefore, Interim Application No.1419 of 2025 came to be filed in Criminal Public Interest Litigation No.2 of 2023. After laying the factual foundation

and considering the rival contentions, an interim order was passed by this Court on 28th April 2025. In compliance of this Court's order, a report by the Collector, Pune has been produced which reads as under:-

*"Office of the District Collector, Pune
Revenue Department
No. Pmaha/Kavi/317/2013
Pune-1, Dated 22/02/2013*

To,
1. Hon. Administrator,
High Court, Mumbai
2. Hon. Assistant Government Prosecutor,
High Court, Mumbai

*Subject: Hon. High Court PIL No. 135/2001
Shri Kamaladevi Gramvikas Pratishthan & Others
vs
Government of Maharashtra & Others
Reference: This office's letter No. PMH/Kavi/224/2012 dated
25/01/12*

Sir,
Shri Kamaladevi Gramvikas Pratishthan has filed a Public Interest Litigation (PIL) No. 135/2009 against the Government of Maharashtra in the Hon'ble High Court, Mumbai. In connection with this case, as per the interim order issued by the Hon'ble Court on 19/12/2011, regarding the New Kopre Gaothan rehabilitation and the objections raised by Shri Kamaladevi Pratishthan on 27/04/2009 concerning the minutes of the meeting held under the chairmanship of the District Collector on 27/02/2009, the Hon'ble High Court has directed to hold a hearing and submit a report by taking into account the views of all concerned parties.

As per the referenced letter from this office, it was requested to assist in conducting the hearing and submitting the report as per the directives of the Hon'ble High Court.

The hearing has been conducted in accordance with the instructions of the Hon'ble High Court. In this hearing, all the concerned parties have presented their views. Accordingly, a report has been sought from the Sub-Divisional Officer, Pune (as the Controller) regarding the matter.

The Sub-Divisional Officer, Pune, has submitted a detailed report based on the statements made by the plaintiff during the hearing and the points raised in the plaintiff's letter dated 27/04/2009, as follows:

Sr. No.	Points mentioned in the statement dated 27/04/2009	Necessary feedback
1	Demarcate 30% of the land for the village and hand over the entire land to the village.	As per the government memorandum No. 342002/Pr. No. 224/J-5 dated 10/07/2002 from the Revenue and Forest Department, since new home loans and urban facilities could not be provided in the new Gaothan, permission was granted to transfer a portion of the constructed area on the plots allotted to them as compensation. Accordingly, 30% of the constructed area on the plots allotted in the new Gaothan was designated for the rehabilitation of the project-affected people, and 70% of the area was transferred to the developer for development purposes. This was unanimously approved by the Kopre villagers through a resolution. Based on this, M/s Kakade Construction Company Pvt. Ltd. was approved as the developer as per the office order No. PMH/Kavi/1449/2002 dated 05/09/2002. The 30% area allocated by the villagers is to be used for the construction for the project-affected people. Out of a total of 358 families, 315 families have been allotted flats, and 35 flats remain to be allotted. The demand made by the applicant to demarcate the 30% land and hand it over to the village is against the development agreement they have entered into.
2	The extended list of the original villagers is incorrect. Appropriate changes should be made, and a new extended list should be prepared.	As per the government letter No. RPA-34/02/Pr. No. 28/R-4 dated 15/03/2002 from the Revenue and Forest Department, the government has approved an additional 104 families in the village, making a total of 358 families, including the previous 254 families. The government-approved list cannot be canceled, and a new extended list cannot be prepared as per the

		<i>applicant's request.</i>
3	<i>The village should be rehabilitated in one continuous location along with public amenities such as temples, community centers, playgrounds, schools, gardens, etc.</i>	<i>Out of a total of 358 families, 35 flats remain to be allotted out of the 315 families. Therefore, the applicant's demand for continuous rehabilitation in one single location cannot be accepted.</i>
4.	<i>In exchange for the 7 acres and 4 gunthas of land given to the Municipal Corporation, an equivalent amount of land should be provided for the village</i>	<i>As per this office's order No.PMH /Kavi/1311/2002 dated 09/08/2002, 7 acres and 4 gunthas of land from Survey Nos. 16, 18, 19, 51 and 53 have been given to the Municipal Corporation for the Water Purification Center. According to the letter No.RPA-34 /02/Pr.No.28/R-4 dated 15/03/2002 from the Revenue and Forest Department, the Rehabilitation Act was not applied to the project-affected people of Mouje Kopre village as a special case. However, the benefits permissible under the Act were granted to them. Nevertheless, since the government order dated 29/08/1990 was canceled through this letter, the provisions of rehabilitation no longer apply to this land, and therefore, the question of providing land to the villagers in exchange for the land given to the Municipal Corporation for public purposes does not arise.</i>
5	<i>The names of the heirs should be added regarding the awards deposited by the government.</i>	<i>The demand is not clearly understood. However, as per the letter No. RPA-31/02/Pr. No. 28/2-4 dated 15/03/02 from the Revenue and Forest Department, the government has approved an additional 104 families in the village, making a total of 358 families, including the previous 254 families.</i>
6	<i>Consideration should be given to the injustice faced by the uneducated and poor people regarding rehabilitation.</i>	<i>An agreement has been made between the developer and the project-affected people through mutual understanding. If there has been any fraud in this matter, it would be appropriate to seek</i>

		<i>redress in the proper court of law.</i>
7	<i>We are completely opposed to the 100% sale and purchase of rights in the rehabilitation.</i>	<i>The project-affected people have sold 100% of their rights to the developer. This matter is of a personal nature for the concerned project-affected individuals.</i>
8	<i>Each plot holder should be given a share in the commercial construction.</i>	<i>This matter pertains to the development agreement made between the project-affected people and the developer.</i>
9	<i>An investigation should be conducted into the entire rehabilitation work.</i>	
10	<i>All other works of the developer, Kakade Construction, should be stopped until 100% rehabilitation is completed.</i>	<i>Out of a total of 358 families, 315 families have been allotted flats and 35 flats remain to be allotted. The remaining 35 project-affected people have not yet been allotted flats due to their personal demands and there is no complaint regarding this matter. Therefore, the plaintiff's demand to stop all the works of the developer is incorrect.</i>
11	<i>Submit feedback in connection with the points raised by Shri Ghansham Kisan More and others during the hearing.</i>	<i>Regarding the 4 points raised by Shri Ghanshyam More and others:</i> <i>1. It has been noted that the construction of the New Kopre rehabilitation was not done on 30% of the area but across three buildings. As per the agreement between the villagers and the developer, an agreement was made to allot flats of 1000 sq. ft. each, accounting for 30% of the total construction area. Therefore, the plaintiff's demand to carry out construction on 30% of the total area is not justified.</i> <i>2. As per the point No. I mentioned above.</i> <i>3. Instead of 1000 sq. ft. flats, the project-affected people have taken 500 sq. ft. flats, with the developer selling the remaining 500 sq. ft. flats. As this matter is between the concerned project-affected people and the developer, no statement can</i>

		<i>be made regarding this. Furthermore, the plaintiff's demand to allot flats to families other than those included in the government-approved list of project-affected people is not appropriate.</i>
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The above is factual situation, and it is requested that the same be brought to the attention of the Hon'ble Court.

Yours faithfully,

District Collector, Pune"

5. It is stated at the Bar that six affected persons out of 35 persons have been offered possession. At this stage, when the project is almost complete, in the petitions filed in the year 2009, 2018, 2019 and 2023, no such order can be passed which would completely washout the project. In our opinion, these Public Interest Litigations are not at all maintainable in view of the fact that the aggrieved persons have remedy in law to approach the appropriate Court/Forum. In "*Jaipur Shahar Hindu Vikas Samiti v. State of Rajasthan & Ors.*" (2014) 5 SCC 530, the Hon'ble Supreme Court has observed as under: -

"The courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under a particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petition filed as public interest litigation."

6. Having this in our mind, that these 35 persons who may be legal heirs/descendants of the original beneficiaries, we would close the proceedings in these writ petitions and Public Interest Litigations with a direction to M/s. Kakade Construction Co. Pvt. Ltd. to act as

per the report of the Collector, Pune dated 22nd February 2013.

7. Writ Petition No.2737 of 2018, Criminal Public Interest Litigation No.2 of 2023, Civil Public Interest Litigation No.135 of 2009, Writ Petition No.12670 of 2019 and Contempt Petition No.427 of 2018 are disposed of. Consequently, pending Interim Application Nos.6650 of 2025 and 17983 of 2023 in Writ Petition No.2737 of 2018 and Civil Application Nos.941 of 2018 and 1580 of 2018 in Writ Petition No.2737 of 2018 are disposed of.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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