Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ASHWINI PRASAD NARHIRE

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Date: 2026.10.12 10:33:35 +0530

WRIT PETITION NO. 13438 OF 2026

Dhananjay N Sonawane & Ors. ...Petitioners

Versus

Pimpri Chinchwad Municipal Corporation
Through its Commissioner & Ors. ...Respondents

...

Mr. Prathamesh Bhargude, a/w Adv. Ajinkya Udane, Adv. Teena Kapoor and Adv. Vinayak Pandit for the Petitioners.

Mr. Kedar B. Dighe for Respondent Nos.1 to 3-PCMC.

...

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 9th OCTOBER, 2026.

P.C.:

1. Heard learned counsel for the parties.

2. The instant Writ Petition is preferred, *inter alia,* for the following substantive reliefs:

> *"[A] That this Hon'ble High Court may be pleased to issue a Writ of Certiorari, or any other appropriate writ, order or direction in the nature of Certiorari, calling for the records pertaining to the impugned notices dated 23.09.2026 issued by Respondent No.2 under Section*

53(1) of the MRTP Act, 1966, and after examining the legality and validity thereof, quash and set aside the same;

[B] That this Hon'ble High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, directing Respondent Nos.1 to 3 to consider and decide the pending Revised Building Plain Application No.103326270009795 dated 01.10.2026 submitted by the Society's Architect on its own merits in accordance with law, within a stipulated time frame."

3. Mr. Prathamesh Bhargude, Ld. Counsel for the Petitioners would submit that the Petitioners have already moved an Application dated 1st October 2026 under Section 44 of the Maharashtra Regional and Town Planning Act, 1966 ("**MRTP Act**" for short) seeking regularisation. He would therefore submit that the Petitioners confine their relief to a direction to the Respondent-Corporation to process the said Application in accordance with law.

4. Per contra, Mr. Dighe, Ld. Counsel for Respondent-Corporation would submit that although a detailed Affidavit-in-Reply is already been filed in the present proceedings, the Application seeking regularisation was received on 1st October 2026. He would submit that the said Application was not processed and

file was closed on account of non-submission of the relevant documents by the Petitioners. However, he would further submit that, in the event the Petitioners furnish all the requisite documents, the Application for regularisation would be processed under Section 44 of MRTP in accordance with law.

5. Considering the factual situation as emerged before us, we are of the view that in the event of any shortfall/deficiency in the requisite documents which was noticed while processing the Application for regularisation, straightaway rejecting the same or closing the file would not be an appropriate course of action, in the given facts. Instead, the Concerned Authority ought to have communicated the deficiencies to the Petitioners and granted an opportunity to furnish the requisite documents. In the event, the Petitioners failed to comply with the same, despite being afforded such an opportunity, it would be open to the Concerned Authority, to proceed further in accordance with law.

6. Having heard the parties, we deem appropriate to extend one more indulgence/opportunity to the Petitioners to have their Application processed, under Section 44 of the MRTP Act. Accordingly, two weeks time from the date of uploading of this order, is accorded to the Petitioners to furnish all the relevant documents necessary for processing the Application for

regularisation. In the event the Petitioners furnish the relevant documents within the aforesaid period, we expect the Respondent-Corporation to process the same in accordance with law within six weeks, thereafter.

7. In the interest of justice, and considering the above, we direct that until disposal of the proceedings before the Respondent - Corporation, the parties shall maintain *status-quo* as on today.

8. We clarify that we have not examined the rights/claims of the Petitioners on merits. The same shall be considered by the Respondent - Corporation independently within the framework of the applicable norms/conditions, statutory provisions,in accordance with law.

9. The Petition is Disposed Of in the above terms without adverting to the merits of the matter.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**