



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

**INTERIM APPLICATION NO. 13882 OF 2024
IN
WRIT PETITION NO. 5618 OF 2014**

Hridaynath D. Kadu Deshmukh .. Applicant

In the matter between

Surendra Dattatray Kadu and Ors. .. Petitioners

Versus

The Principal Secretary and Ors. .. Respondents

***Mr. P.K. Dhakephalkar, Sr. Advocate (through V.C.), with
Adv. Jagdish G. Aradwad (Reddy) & Adv. Ashwini A. Jadhav, for the
Applicant.***

***Adv. Nitin Deshpande, with Adv. Santosh Karade, for the
Petitioners.***

Adv. R.S. Khadapkar, for Respondent Nos. 3 to 5.

**CORAM: B. P. COLABAWALLA &
RAJESH S. PATIL, JJ.**

DATE: MARCH 4, 2026

P. C.

1. The above Interim Application is filed seeking a clarification of the judgment and order dated 20th October 2023, passed by this Court in Writ Petition No. 5618 of 2014 to the limited extent that this Court has not

expressly decided the issue of title in respect of property bearing Survey No.13 Hissa No.2/1B/2/1 situated at Dhankawadi, Pune (for short “the said property”), or issuance of the TDR/DRC in lieu of the same, either in favour of the Petitioners or in favour of the Applicant (original Respondent No.9 in the above Petition).

2. This clarification is sought on the basis that the Applicant is admittedly the half-brother of Petitioner No.1, and the said property originally belonged to their father. The said property was thereafter acquired and towards compensation, a joint application (by the Petitioners and the Applicant) was made to the Corporation for grant of TDR/DRC. This was rejected by the Corporation, which was challenged in the above Writ Petition. The above Writ Petition was ultimately allowed by order dated 20th October 2023, and the Corporation was directed to grant TDR/DRC for the acquisition of the said property.

3. On going through the order passed by the Bench of this Court [to which one of us (Rajesh S. Patil, J.) was a member], the issue of the dispute between the Petitioners and Applicant was never adjudicated in the above Writ Petition. The same is clear from a reading of the order dated 20th October 2023. Once this is the case, we clarify that in the order dated 20th

October 2023, this Court has not decided any title dispute in respect of the said property, or the issuance of TDR/DRC in view of the same, either in favour of the Petitioners or in favour of the Applicant. That issue will be decided, if at all, in appropriate proceedings.

4. All contentions of both parties are expressly kept open in respect of the title dispute or grant of TDR/DRC, to be agitated in an appropriate proceeding and before the appropriate forum/authority.

5. In light of the above clarification Mr. Dhakephalkar, the learned Senior Counsel appearing on behalf of the Applicant (original Respondent No.9) does not correctly press prayer clause (c) of the above Interim Application.

6. Since we have clarified that the issue of title and/or granting of TDR/DRC either to the Petitioners or original Respondent No.9 was not the subject matter of the order of which clarification is sought, the Corporation shall hear the Petitioner as well as Respondent No.9 before granting any TDR/DRC to either of the parties.

7. The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[RAJESH S. PATIL, J.]

[B. P. COLABAWALLA, J.]