

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

PUBLIC INTEREST LITIGATION NO.63 OF 2024

ALONG WITH

INTERIM APPLICATION NO.15092 OF 2024

Prashant Jayant Raul and Anr. .. Petitioners-Applicant
Vs.
The Pimpri-Chinchwad Municipal
Corporation (PCMC) and Ors. .. Respondents

- Ms. Ronita B. Bector, Advocate for the Petitioners-Applicant.
- Mr. Kedar B. Dighe, Advocate for Respondent Nos.1 and 2.
- Mr. Pralhad Paranjape with Mr. Rahul Punjabi and Ms. Shweta More, Advocates for Respondent No.4.
- Mr. Akshay P. Shinde for Respondent No.7.
- Ms. Neha Bhide, Government Pleader with Mr. P.P. Kakade, Additional Government Pleader and Ms. G.R. Raghuwanshi, Assistant Government Pleader for the Respondent-State of Maharashtra.

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

DATE : 6TH MARCH 2026.

P.C. :

In this Public Interest Litigation, the petitioners who are residents of Pune are seeking interference with the mutation entries at Exhibit-J pertaining to a piece of land bearing survey nos.192 and 194(Part) situated in Sector 29 and designated as Open Space no.5. The petitioners are also seeking a direction for maintenance of Metro Eco Park, Akurdi, Ravet under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975. The petitioners are also seeking the following directions:

- “a. That this Honourable Court be pleased to issue a writ of certiorari or any other appropriate writ, order or direction in the nature of certiorari to quash and set aside the mutation entries at Exhibit J through which effectuates the allotment of the land situated in Sector No.29, Open Space No.5 bearing survey no.192 and survey no.194(part) which constitutes the Metro Eco Park, Akurdi at Ravet to the respondent no.7;*

- b. *This Hon'ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondent nos.1, 2, 3 and 4 to maintain the Metro Eco Park, Akurdi, Ravet as a site for compensatory afforestation as required under the provisions of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 and to disallow any construction on the said Metro Eco Park;*
- c. *This Hon'ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondent nos.1, 2, 3 and 4 to ensure that the Metro Eco Park, Akurdi, Ravet be maintained as open recreational space/park which is open for use by the public as required under the provisions of the Unified Development Control and Promotion Regulations for Maharashtra;*
- d. *That pending hearing and final disposal of the present petition, this Hon'ble Court be pleased to stay the effect of the mutation entries at Exhibit J which effectuates the allotment of the portion of the land situated at Sector no.29, Open Space no.5 bearing survey no.194(part) and survey no.192 which constitutes the Metro Eco Park, Akurdi, Ravet to the respondent no.7;*
- e. *That pending hearing and final disposal of the present petition, this Hon'ble Court be pleased to direct the respondent nos.1, 2, 3 and 4 to maintain the Metro Eco Park, Akurdi, Ravet as a site for compensatory afforestation as required under the provisions of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975;*
- f. *That pending hearing and final disposal of the present petition, this Hon'ble Court be pleased to direct the respondent nos.1, 2, 3 and 4 to ensure that the Metro Eco Park, Akurdi, Ravet be maintained as open recreational space/park which is open for use by the public under the provisions of the Unified Development Control and Promotion Regulations for Maharashtra;*
- g. *For the grant of ad-interim relief in terms of prayers (e), (f) and (g) above."*

2. The learned counsel for the petitioners states that the access to Akurdi Metro Eco Park which has around 1,000 trees has been obstructed by the respondent nos.7 and 8 on the ground of security to the Voter Verifiable Paper Audit Trail (VVPAT) godown & Regional Training Centre and electronic voter machines/ballot boxes. The saplings of trees which have now grown in the Akurdi Metro Car Park are left unattended and the trees are dying fast.

3. From the pleadings in this Public Interest Litigation, we gather that a piece of land designated as Open Space no.5 was permitted to be used by the Maharashtra Metro Rail Corporation Limited as a site for compensatory afforestation of the trees. This is a statement made in this PIL that about 600 saplings were planted around 2017-18 which have grown in size in number and the Metro Eco Park is currently habitat for wildlife and birds. The pleadings in this PIL do not refer to access as a matter of legal right to the general public to the Metro Eco Park. Rather, the Metro Eco Park has been utilized for compensatory afforestation by the Maharashtra Metro Rail Corporation Limited.

4. In any case, the Metro Eco Park which, according to the PIL-petitioners is habitat for rare species of trees, birds and animals cannot be left open for access to the general public. As to the challenge to the mutation entries, we may only indicate that the petitioners have no locus to lay a challenge to the mutation entries vide Exhibit-J. However, we may indicate that this is the responsibility of the respondent no.8-Election Commission of India or the designated authority to maintain the Metro Eco Park and ensure that there is no cutting of trees without due permission of the statutory authority and that the trees which were planted as a part of compensatory afforestation are maintained as per the statutory clearances.

5. Public Interest Litigation no.63 of 2024 is disposed of. In view thereof, Interim Application no.15092 of 2024 pending therein does not survive and the same is disposed of as infructuous.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]