

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16192 OF 2025

SATISH
RAMCHANDRA
SANGAR

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SATISH RAMCHANDRA
SANGAR

Date: 2026.04.08
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Sunil Pandurang Lokhande,

Age : 50 Years, Occupation : Nil,

Residing at : Opposite to Shinde

High School, Sanjay Nagar Vasahat,

Sahakarnagar – 2, Pune – 411 009.

...Petitioner

Versus

1. **The State of Maharashtra,**

Through Urban and Development

Department **and Another.**

...Respondents

Mr.Vaibhav Ugale, Advocate for Petitioner.

Smt.Tanu N. Bhatia, AGP, for Respondent No.1 – State.

Mr.Sandeep Dilip Shinde, Advocate for Respondent No.2–Pimpri
Chinchwad Municipal Corporation.

CORAM : M.S.KARNIK &
S. M. MODAK, JJ.

DATE : 2nd APRIL 2026

ORDER : (PER : S.M.MODAK, J.)

1. The Petitioner contends that one Shankar Vitthal Raskar who is a distant relative has carried out unauthorized construction on land bearing Survey No.201/1 in front of Green Hills, Burde Vasti, within the limits of Pimpri Chinchwad Municipal Corporation. His case is, he has made a complaint to the Planning Authority. It is his case that he

has complained to the Commissioner, Pimpri Chinchwad Municipal Corporation as per his letter dated 12th August 2025. Even he has reminded the learned Commissioner as per his letter dated 7th October 2025. It is his case that inspite of bringing it to the notice of learned Commissioner, no action is taken for demolition of unauthorized construction. That is why, present Petition is filed for issuing directions to Respondent No.2 to forthwith conduct inquiry in respect of these two representations. Respondent No.1 is the State of Maharashtra whereas Respondent No.2 is the Commissioner of the concerned Municipal Corporation.

2. As this is the only issue involved in this Petition, we thought it fit to hear learned Advocate for the Petitioner, learned AGP and learned Advocate for Respondent No.2. We have gone through the contents of the Petition and necessary documents.

3. As per his contention, the land along with the other lands are owned by one Bhau Bhagoji Raskar. He expired on 26th August 1962. Mutation is carried out in the revenue record and names of his legal representatives are recorded. One of them is Jankabai Gopal Burude and the present Petitioner claims to be her heir. Whereas it seems that the person against whom the complaint of unauthorized construction

is made is from the family of Vitthal Bhau Raskar who is shown as one of the heir of Bhau Bhagoji Raskar. There are also several lands to which we are not concerned in this Petition. He has annexed copies of 7x12 extracts and relevant mutation entries. His case is, the heirs of Bhau Bhagoji Raskar have partitioned those lands whereas the name of Petitioner is inserted in those 7x12 extract subsequently. As on today, his name is appearing on 7x12 extract. His contention seems to be Vitthal Bhau Raskar has carried out the construction without his consent because it seems that being co-owner, his consent ought to have been taken prior to carrying out the construction.

4. It is true the Planning Authority is under obligation to grant the permission if someone applies on the basis of necessary documents and as per rules. If any construction is carried out without obtaining permission, Planning Authority has got a right to remove it after conducting an inquiry. But it seems, in this case, the grievance is about carrying out the construction by Vitthal without obtaining his consent and case is, his consent ought to have been obtained prior to carrying out the construction.

5. There are two issues involved. One is carrying out construction without obtaining permission of the Planning Authorities and second

is, carrying out the construction without the consent of the co-owner. So far the second issue is concerned, Planning Authority has to *prima facie* satisfy itself that all the owners intend to undergo construction. However, detail inquiry cannot be carried out which will be subject matter of adjudication which has to be done by competent Civil Court. But Planning Authorities can certainly go into the issue as to whether the building permission is obtained or not. In view of that, we can only direct the Corporation to decide the representations only by considering the nature of grievance involved in those representations. Hence we inclined to pass following order:-

ORDER

- (i) The Respondent No.2 is directed to take appropriate decision on the two representations dated 18th August 2025 and 7th October 2025 within a period of 12 weeks from communication of this order.
- (ii) The Petitioner is directed to communicate this order to Respondent No.2.
- (iii) The Respondent No.2 is directed to hear the concerned parties and take appropriate decision.
- (iv) The Respondent No.2 is at liberty to take action only after considering whether legal impediment including any stay order by the Civil Court is involved or not.

6. With these observations, **the Writ Petition is disposed of.**

(S. M. MODAK, J.)

(M. S. KARNIK, J.)