

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

WRIT PETITION NO. 2789 OF 2026

Sheetal Eknath Jambhulkar ... Petitioner

versus

Pune Metropolitan Region Development
Authority and Others ... Respondents

**WITH
INTERIM APPLICATION (L) NO. 5798 OF 2026
IN
WRIT PETITION NO. 2789 OF 2026**

Shweta Pravin Parmar ... Applicant

IN THE MATTER BETWEEN

Sheetal Eknath Jambhulkar ... Petitioner

versus

Pune Metropolitan Region Development
Authority and Others ... Respondents

...

Mr.Anil V.Anturkar, Senior Advocate with Mr.Pradeep Dubey for the
Petitioner.

Mr.Rohit Sakhadeo for Respondent Nos. 1 and 2 -Pune Metropolitan
Region Development Authority (PMRDA).

Mrs.D.S.Deshmukh, AGP for Respondent No.3, State.

Mr.Girish Godbole, Senior Advocate with Mr.Smeet Savla and Mr.Harjot
Singh for the Applicant in IA (L) No. 5798 of 2026 and added Respondent
No.4 in WP.

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**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : FEBRUARY 26, 2026

P.C:

INTERIM APPLICATION (L) NO. 5798 OF 2026

1. At the outset, since we have noticed that the Applicant is already in litigation with the owner of the writ bungalow, who is the husband of the present Petitioner, we deem it appropriate to allow the Interim Application to implead the Applicant as a Respondent in this Petition.

2. The Applicant has also been a Complainant with regard to the illegal construction carried out by the husband of the Petitioner. Her husband, Mr.Eknath Shankar Jambhulkar, is presently arrested and is behind bars with regard to the dispute concerning the same land on which the writ bungalow has been constructed by him, which land allegedly belongs to the Applicant.

3. Having considered the submissions of the learned Senior Advocate on behalf of the Petitioner and the learned Advocate on behalf of the PMRDA, the **Interim Application is allowed.**

4. The Applicant be added as Respondent No.4. Addition be carried out forthwith.

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5. We have considered the strenuous submissions of the learned Senior Advocate on behalf of the Petitioner, the learned Senior Advocate on behalf of the added Respondent and the learned Advocate on behalf of the PMRDA. With their assistance, we have gone through the Petition paper book. We have also perused the documents annexed to the Interim Application. The learned Advocate for the PMRDA has tendered a compilation of documents with an index (containing 1 + 27 pages), which is marked as 'X' for identification. His strenuous submissions are based on the documents set out in the said compilation.

6. To specific questions posed by this Court to the Petitioner regarding the approval of the original plan of the bungalow and the construction permission, the Petitioner is not able to show a single document that bears even the semblance of a house plan or building permission. Without approved plans and the building permission, no construction can be carried out. In one of the documents annexed to the Interim Application by the added Respondent, the stand taken by the owner of the writ bungalow is that he does not have any approval of the building plan and does not have a building construction permission.

7. The learned Senior Advocate for the Petitioner has canvassed that the Petitioner's only hope would be to make an application under Section 53(3), read with Sections 44 and 45 of the Maharashtra Regional and Town Planning Act, 1966 (the MRTP Act, 1966), and Rule 10 of the Maharashtra Development Plans Rules, 1970, framed under the MRTP Act, 1966, as well as the Development Control and Promotion Regulations for PMRDA, 2018 (the DCPR-2018). He submits on instructions that an application for regularization will be filed.

8. For clarity, we are reproducing Sections 44, 45, and 53(3), as under:

“44. Application for permission for development

[(1)] Except as otherwise provided by rules made in this behalf, any person not being Central or State Government or local authority intending to carry out any development on any land shall make an application in writing to the Planning Authority for permission in such form and containing such particulars and accompanied by such documents, as may be prescribed:

[Provided that, save as otherwise provided in any law, or any rules, regulations or by-laws made under any law for the time being in force, no such permission shall be necessary for demolition of an existing structure, erection or building or part thereof, in compliance of a statutory notice from a Planning Authority or a Housing and Area Development Board, the Bombay Repairs and Reconstruction Board or the Bombay Slum

Improvement Board established under the Maharashtra Housing and Area Development Act, 1976.]

[(2) Without prejudice to the provisions of sub-section (1) or any other provisions of this Act, any person intending to execute [an Integrated Township Project] on any land, may make an application to the State Government, and on receipt of such application the State Government may, after making such inquiry as it may deem fit in that behalf, grant such permission and declare such project to be [an Integrated Township Project] by notification in the Official Gazette or, reject the application.]”

“45. Grant or refusal of permission

(1) On receipt of an application under section 44 the Planning Authority may, subject to the provisions of this Act, by order in writing-

(i) grant the permission, unconditionally;

(ii) grant the permission, subject to such general or special conditions as it may impose with the previous approval of the State Government; or

(iii) refuse the permission.

(2) Any permission granted under sub-section (1) with or without conditions shall be contained in a commencement certificate in the prescribed form.

(3) Every order granting permission subject to conditions, or refusing permission shall state the grounds for imposing such conditions or for such refusal.

(4) Every order under sub-section (1) shall be communicated to the applicant in the manner prescribed by regulations.

(5) If the Planning Authority does not communicate

its decision whether to grant or refuse permission to the applicant within sixty days from the date of receipt of his application, or within sixty days from the date of receipt of reply from the applicant in respect of any requisition made by the Planning Authority, whichever is later, such permission shall be deemed to have been granted to the applicant on the date immediately following the date of expiry of sixty days:

*[**Provided that**, the development proposal, for which the permission was applied for, is strictly in conformity with the requirements of all the relevant Development Control Regulations framed under this Act or bye-laws or regulations framed in this behalf under any law for the time being in force and the same in no way violates either the provisions of any draft or final plan or proposals published by means of notice, submitted for sanction under this Act:*

***Provided further that**, any development carried out in pursuance of such deemed permission which is in contravention of the provisions of the first proviso, shall be deemed to be an unauthorised development for the purposes of sections 52 to 57.)*

“(6) The Planning Authority shall, within one month from the date of issue of commencement certificate, forward duly authenticated copies of such certificate and the sanctioned building or development plans to the Collector concerned.”

“53. Power to require removal of unauthorised development

(1)

(2)

(3) Any person aggrieved by such notice may, within the period specified in the notice and in the manner prescribed, apply for permission under section 44 for retention on the land of any building

or works or for the continuance of any use of the land, to which the notice relates, and pending the final determination or withdrawal of the application, the mere notice itself shall not affect the retention of buildings or works or the continuance of such use.

.....
.....”

9. There is no dispute that the Petitioner’s husband had received a notice under Sub-sections (1) and (2) of Section 53, calling upon him to demolish the illegal structure in 2019. Since he did not respond to the said notice, in a manner as was expected in law, a final order was passed on 06.02.2019 by which the construction of the writ bungalow was directed to be demolished.

10. It is apparent from the said order dated 06.02.2019, which is annexed to the Interim Application, that the competent authority had noticed on the basis of the inspection report dated 05.12.2018 that the said bungalow was under construction. The husband of the Petitioner has apparently ignored the said order and completed the construction of the bungalow.

11. We are intrigued that the PMRDA was merely watching the husband of the Petitioner taking the construction forward to completion

and, in the process, tacitly permitting the construction to be completed. A notice was initially issued to the Petitioner (undated). A reply dated 06.12.2018 to the said notice was tendered by him to the PMRDA on 20.12.2018. The PMRDA issued a final notice on 06.02.2019, and an order was passed only on 13.02.2026, directing the husband of the Petitioner to demolish the construction or, else, make an application within 15 days for regularization under Section 53(1) of the MRTP Act, 1966. This speaks volumes about the manner of functioning of the PMRDA.

12. Be that as it may, on the one hand, the Petitioner does not have a shred of paper worth the value of terming it to be a permission or approval, and on the other hand, the PMRDA has been suffering from its perpetual handicap of not reacting swiftly and waiting till they get some indication, to act on such notices.

13. Considering the above, since the provision permits 30 days to move an Application for retention of the construction, which is commonly known as an Application for regularization, to the limits it is permissible in law, the Petitioner still has a few days left to make that Application. The 30 days, notwithstanding that the impugned order, would expire on 15.03.2026.

14. The learned Senior Advocate Shri Godbole submits that the added Respondent may be permitted to participate in the proceedings u/s 53(3), without laying down a precedent. We find that the added Respondent has certain documents with her, in view of being involved in litigation with the husband of the present Petitioner. The documents available with the added Respondent would assist the PMRDA in dealing with the Application of the Petitioner, if filed, more advantageously.

15. We also notice, in the light of the submissions of the learned Senior Advocate, Mr. Godbole, that it is not a sheer coincidence that the PMRDA did not act against the construction for more than six years. *Prima facie*, it appears that the PMRDA was only creating a show of issuing notices and never had the will to act thereupon. It is visible from the dates and sequence of events. It cannot be countenanced that the Rule of Law is being bent backwards by an individual and a mighty governing body like the PMRDA prefers to be a silent spectator.

16. It is in these peculiar circumstances that we are allowing the added Respondent to be heard in the Application filed under Section 53(3), without laying down a precedent and with the observation that this order shall not be cited as a precedent in any matter.

17. In view of the above, this **Writ Petition is disposed off** with the following directions :

(a) The Petitioner or her husband may prefer an Application under Section 53(3), on or before 16.03.2026, considering the two intervening holidays on 14.03.2026 and 15.03.2026;

(b) If such an Application is not filed, the PMRDA would commence the demolition of the writ bungalow on 17.03.2026.

(c) If the Application under Section 53(3) is filed, the PMRDA would issue notice to the Petitioner as well as Respondent No. 4, on their email addresses/WhatsApp numbers, which are tendered as under, within 48 hours of receiving the Application under Section 53(3) of the MRTP Act, 1966:

Email ID: advpradeep@gmail.com

honeyparmar02@yahoo.com

nehadeepanand@gmail.com

Mobile No.:- 9619890710 / 8408872757

(d) For ease of communication and correspondence, the parties would correspond with each other on such email addresses/WhatsApp numbers, and any plea that the email was not received would not be entertained;

(e) The first date of hearing would be posted within 5 to 7 days from the date of issuance of the notices by email;

(f) The hearing in the matter would be concluded within 15 days from the date of appearance of the parties on the first returnable date mentioned in the notice;

(g) None of the parties would resort to seeking adjournments on unreasonable or trivial grounds; lest, the PMRDA would proceed to the next stage in the proceeding;

(h) After the hearing in the proceeding is concluded, the PMRDA would close the matter and deliver a reasoned order on the 15th day from the closing of the proceeding;

(i) The reasoned order would be conveyed to the Petitioner as well as Respondent No. 4, within 24 hours of its passing, on their email addresses;

(j) If any portion of the construction is regularized, the Petitioner or her husband would demolish the remaining offending structure on their own within seven days, subject to the filing of a statutory appeal and the operation of any protective order in the said appeal.

(ABHAY J.MANTRI, J.)

(RAVINDRA V. GHUGE, J.)