

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

WRIT PETITION NO. 3360 OF 2026

Jijus Is Lord Church Trust ..Petitioner
Versus

The Executive Engineer & Anr. ...Respondents

Mr. Kishor Ajetrao a/w Mr. Akash Dalvi, Mr. Bajirao Dalvi, for
the Petitioner.

Mr. Kedar B Dighe, for the Respondent Nos. 1 & 2 - PCMC.

CORAM : N. J. JAMADAR, J.

DATE : 18th MARCH 2026

Oral Order :

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 24th February, 2026, whereby the learned District Judge-1, Pimpri Chinchwad, Pune has rejected the application for *status quo* filed by the petitioner in Miscellaneous Civil Appeal No. 01/2026 preferred by the petitioner, being aggrieved by an order dated 07th January, 2026 passed by the learned Civil Judge Senior Division, PCMC Court, Akurdi, Pune, thereby rejecting an application for temporary injunction in RCS No. 146/2025.
3. The petitioner instituted the said suit seeking injunction to restrain the Respondents – the Officers of Pimpri Chinchwad Municipal Corporation, from acting upon the notice dated 09th

June, 2025 issued by the Municipal Corporation under Section 53 of the Maharashtra Regional and Town Planning Act, 1966 (“the MRTP Act, 1966”).

4. By the said notice, the respondent called upon the petitioner/trust to remove the unauthorized construction admeasuring 30 mtrs. x 15 mtrs. = 450 sq. mtrs at Survey No. 73/2, D. Rajwade Nagar, Kalewadi, Pune. It was *inter alia* contended that, the said development had been carried out without the permission of the Planning Authority.

5. By an order dated 07th January, 2026, the learned Civil Judge was persuaded to reject the application for temporary injunction observing *inter alia* that, the petitioner failed to produce any document to show that, it had erected the structure by obtaining the permission of the Planning Authority. It was further observed that, the petitioner had an efficacious remedy of approaching the Planning Authority under the provisions of Section 53 (3) of the MRTP Act, 1966.

6. Being aggrieved, the petitioner preferred an appeal before the District Court on 24th February 2026. In the said appeal an application was filed seeking *status quo* till the decision of the appeal.

7. By the impugned order the learned District Judge rejected the said application observing that, the petitioner had not immediately preferred the appeal and after a fortnight of the order passed by the trial Court rejecting the application for temporary injunction, the petitioner filed the appeal. As the trial Court has rejected the application for temporary injunction by recording reasons including that, there was no material to show that, the plaintiff had obtained the permission of the Planning Authority before erecting the structure, the learned District Judge declined to grant any interim relief.

8. This Court finds that, the trial Court has recorded in clear and explicit terms that, there was no dispute over the ownership of the property over which the structure was erected. *Prima facie*, the petitioner/plaintiff appeared to be the owner of the subject property. Undoubtedly, mere ownership of land, does not confer an absolute right to erect the unauthorized construction.

9. Mr. Ajetrao, the learned Counsel for the petitioner submitted that, the petitioner has filed an application seeking regularization of the structure on 07th October, 2025, and, in the year 2007, the petitioner had sought the information from the Municipal Corporation regarding the demarcation of land over which the petitioner could carry out the construction.

10. Mr. Dighe, the learned Counsel for the Respondent Nos. 1 and 2 would submit that, since the structure is unauthorized, the petitioner does not deserve any interim protection.

11. The situation which obtains is that, the petitioner has assailed the order of rejection of the application for temporary injunction by preferring an appeal before the District Court. The said appeal is still subjudice. The petitioner has also filed an application for regularization of the structure.

12. In these circumstances, when an application for regularization of the said structure has already been filed, under the provisions of Section 53(3) of the MRTP Act, 1996, which enables the noticee to apply for permission under Section 44 of the said Act, and further provides that pending final determination of such application, mere notice itself shall not affect the retention of buildings or works, it would be appropriate that, the status quo is maintained till the Miscellaneous Civil Appeal is decided by the learned District Judge. The concern of the Respondents can be taken care of by requesting the learned District Judge to hear and decide the Miscellaneous Civil Appeal as expeditiously as possible.

13. The Writ Petition thus stands disposed with the following directions : -

- a) Status quo be maintained by both the parties till the final disposal of the Miscellaneous Civil Appeal No. 01/2026.
- b) The learned District Judge seized with Miscellaneous Civil Appeal No. 01/2026 is requested to hear and decide the Miscellaneous Civil Appeal as expeditiously as possible and, preferably, within a period of two months from 23rd March, 2026, the next scheduled listing of the said Appeal.
- c) It is hereby made clear that, the petitioner/appellant shall not seek any adjournment for hearing of the said appeal and shall cooperate with the District Court in the expeditious disposal of the said appeal.
- d) All contentions of all the parties are expressly kept open and the learned District Judge shall not be influenced by any of the aforesaid observations.
- e) The Writ Petition stands disposed.

[N. J. JAMADAR, J.]