

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3370 OF 2026

SATISH
RAMCHANDRA
SANGAR

Digitally signed by
SATISH RAMCHANDRA
SANGAR

Date: 2026.03.25
15:52:22 +0530

Iqbal Khwaja Hussain Sangam,

Age : 45 Years, Occupation : Business,

Residing at : Gat No.690 [Part], Kudalwadi,

Jadhavwadi Road, Chikhali, Pune – 411062.

...Petitioner

Versus

1. **Pimpri Chinchwad Municipal Corporation,**
[PCMC], through its Municipal Commissioner,
Having its Office at Mumbai – Pune Road,
Pimpri, Pune – 411 018, Maharashtra.

2. **The Executive Engineer,**
Building Permission Department,
Pimpri Chinchwad Municipal Corporation,
Main Administrative Building, Mumbai – Pune
Road, Pimpri, Pune – 411 018.

...Respondents

Mr.Rajkumar Awasthi a/w Mr.Manish Tomar, Advocates for Petitioner.
Mr.Kedar Dighe, Advocate for Respondents.

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

DATE : 16th MARCH 2026

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

1. The only prayer made in this petition is to issue directions to
Pimpri Chinchwad Municipal Corporation – respondent No.1 and its
Executive Engineer, Building Permission Department – respondent

No.2 to forthwith process and decide the application dated 1st August 2025 filed by the petitioner for grant of development permission.

2. Considering the nature of limited relief sought, we have decided to hear the petition and to pass appropriate order without issuing notice to the respondents. Accordingly, we have heard learned Advocate for the petitioner and Advocate Shri.Kedar Dighe. They have taken us through the averments of the petition and documents annexed to it.

3. The following are the relevant facts for deciding this petition:-

- (a) The petitioner owns Gat No.690(Part) situated at village Chikhali, Pune, within the limits of Pimpri Chinchwad Municipal Corporation.
- (b) The petitioner was operating industrial unit on the said land in the name and style as "*M/s.Sangam Enterprises Trading*". He was issued with a notice dated 18th January 2025 under the provisions of Section 55 of the Maharashtra Regional and Town Planning Act, 1966 ("**MRTP Act**") by the Corporation. He has also filed a reply. His grievance is without hearing him, the Corporation demolished the structure on 8th February 2025.
- (c) The Petitioner's business has come to standstill.
- (d) "*Unified Development Control and Promotion Regulations*" are applicable to the Corporation area.

- (e) The Petitioner has filed an application for grant of building permission under the provisions of Section 44 of MRTP Act. He has not received any reply from the Corporation within the time limit prescribed as per the Act.
- (f) He has pursued with the Corporation but he was told to wait for SMS updates. He learnt about the oral instructions given by the Municipal Commissioner not to grant development permission for Kudalwadi area.
- (g) He claims that he has obtained requisite NOC from the concerned departments of the Corporation for grant of building permission. Some of them are annexed to the petition.
- (h) The petitioner has annexed a copy of the order passed by the Division Bench on 13th February 2025 in Writ Petition No.1708 of 2025 and connected Writ Petitions. The Division Bench has not granted any relief by exercising the jurisdiction under Article 226 of the Constitution as the structures were illegal and unauthorized.
- (i) The petitioner has also annexed a copy of the order dated 3rd February 2025 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No(s).5674 of 2025. There was no interference by the Supreme Court and liberty was granted to move an application before the High Court for appropriate relief.

4. In this petition, the issue is not about unauthorized construction. The issue is whether a direction can be issued for granting building

permission to the petitioner. It is true, it is a job of the planning authority to grant building permission. Several issues including land use as per the development plan, ownership of the land, FSI are involved. It is true, there is provision in the MRTP Act about deemed permission. However, there is no prayer to that effect on behalf of the petitioner for the reasons best known to him. We find no hurdle in issuing the direction. Hence the order:-

ORDER

- (i) The petition is allowed.
 - (ii) The respondent Nos.1 and 2 are directed to decide the application, if any, filed by the petitioner for grant of building permission for construction to be carried out on Gat No.690 (Part) at village Chikhali, Pune, within a period of 12 weeks from the date of communication of this order.
 - (iii) It is made clear that we have not expressed any opinion about entitlement of the petitioner to get such building permission.
 - (iv) It is the prerogative of the respondents to grant or not to grant the building permission.
 - (v) The petitioner is directed to communicate this order to the respondents.
5. With these observations, the **Writ Petition is disposed of.**

(S. M. MODAK, J.)

(M. S. KARNIK, J.)