

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7239 OF 2026

Sheetal Eknath JambhulkarPetitioner

Versus

Pune Metropolitan Region
Development Authority & Ors.Respondents

Mr. Suresh Sabrad a/w. Mr. Amey Sawant, Mr. Pratik Sabrad,
Ms. Eshwaree Kudalkar, Mr. Yuvraj Patil and Ms. Neha Parte i/b.
Mr. Pradeep Dubey for the Petitioner.
Mr. Rohit Sakhadeo for Respondent Nos.1 and 2.
Mrs. Pooja Patil, AGP for Respondent No.3.
Mr. Harjot Singh Alang for the Intervener.

CORAM : RAVINDRA V. GHUGE, ACJ.
&
GAUTAM A. ANKHAD, J.

DATE : 11th JUNE, 2026

P.C. :-

1. The Petitioner has put forth prayer clauses (a) and (b),
as under :

(a) That this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the State Government, Urban Development Department, to expeditiously here and decide Appeal No. TPS-1826/450/NAVI-13 preferred by the Petitioner after granting due opportunity of hearing to the Petitioner in accordance with law as this Hon'ble Court may deem fit;

(b) Pending the hearing and final disposal of the present Petition; this Hon'ble Court be

pleased to pass an order restraining the Respondent, servants, agents or anyone acting through or under them in any manner from taking any coercive action including demolition, sealing, eviction or dispossession or enforcing the Impugned Order dated 23.04.2026 issued by the Respondent under Section 53 of the Maharashtra Regional & Town Planning Act, 1966, in respect of the Petitioner's residential house situated on survey no. 112, admeasuring 0-11-0(H-Are) at Village, Kurvande, Taluka-Maval, District – Pune.

2. The Petitioner was before this Court in Writ Petition No.2789 of 2026. By an order dated 26th February, 2026, this Court had recorded in paragraph nos.9 to 17, as under :

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: 2011advpradeep@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.

3. After this matter was heard for a considerable time yesterday, the learned Advocate for the Petitioner sought an overnight pass-over to take instructions and file an affidavit undertaking to indicate the bonafides of the Petitioner.

4. Today, the Petitioner has tendered an undertaking dated 11th June, 2026 (4 pages), which is taken on record and marked as 'X-1' for identification. The Petitioner has stated on oath in paragraph nos.4 to 6, as under :

4. Without prejudice to my rights and contentions in the pending appeal and in the present proceedings, I hereby undertake that in the event any portion of the existing structure is found eligible and permissible for regularisation by the competent authority, such regularised portion be allowed to be retained in accordance with law.

5. I further undertake that in the event any portion of the existing structure is found to be not capable of being regularised under the applicable provisions of law, I and/or my husband shall, at our own costs and expenses and without raising any objection, remove and demolish such offending and non-regularisable portion of the structure within a period of eight

weeks or such time as may be granted by the or directed by this Hon'ble Court.

6. The present undertaking is furnished voluntarily, bona fide and in the interest of justice.

5. The learned Advocate representing the Applicant/ Intervener tenders a compilation of documents along with an index (45 pages), on record. The said compilation is marked as 'X-2' for identification.

6. The learned Advocate for the Petitioner was instructed to canvass that the Petitioner is a poor person and that the Writ property is the only shelter over her head. Her husband is behind bars in view of the controversy with the Intervention Applicant in relation to the ownership of the plot on which the Writ property was constructed by the husband of the Petitioner. It is undisputed by the Petitioner that the Writ property has been constructed without getting the building plans approved, without obtaining a building permission, and that the construction is completely de-hors the rules. However, looking at the colour photographs placed on record by the Intervention Applicant below index 'X-2', from page nos.9 to 18, the statement of the Petitioner that she has only one property and

that she and/or her husband do not own any property elsewhere, is apparently falsified. It is conceded that the properties seen in the colour photographs from page nos.9 to 18 of 'X-2', belong to the Petitioner and her husband.

7. Since this Petition has been filed for the purpose of seeking a direction to the Urban Development Department to decide the pending Appeal expeditiously, the Petitioner submits before us that if the Writ structure or any portion thereof, is found to be not capable of being regularised under the applicable provisions, the Petitioner and/or her husband would demolish the said structure at their own cost and expenses without raising any objection, which is evident from reproduced paragraph no.5 of affidavit 'X-1'.

8. The learned AGP appearing for the State submits that the Appeal would be decided within a period of 45 days. The learned Advocate for the Petitioner submits that the Intervention Applicant, viz., Shweta Pravin Parmar, would be arrayed as a Respondent in the pending Appeal before the Urban Development Department within a period of one week from today. Thereafter, the Intervention Applicant can participate in the hearing of the said Appeal.

9. Mr. Sakhadeo submits that the impugned order before the Urban Development Department would be fully supported by the Pune Metropolitan Region Development Authority.

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

(a) The Appeal before the Urban Development Department shall be listed for hearing on 18th June, 2026 at 12.00 noon;

(b) The Petitioner would add the Intervention Applicant as a Respondent in the said proceedings on the same day, i.e., 18th June, 2026;

(c) The Intervention Applicant shall appear before the said Authority on the same day, i.e., 18th June, 2026, and participate in the hearing;

(d) Considering the time frame, the concerned Authority (Urban Development Department) would conduct the hearing in the matter and, if required, even post the matter twice or thrice a week to ensure that the hearing is concluded within a period of 21 days from 18th June, 2026. This period includes an opportunity to the added Respondent to file her reply within 7 days from 18th June, 2026;

(e) Within 15 days after the conclusion of the hearing (7 days + 21 days), the concerned Authority, i.e., Respondent No.3, would pass a reasoned order in the matter and would draw a conclusion as to whether any portion of the Writ property can be regularised. The portion of the property, to whatever extent it is held to be non-regularisable, would be demolished by

the Petitioner, in view of her affidavit 'X-1', without any objection;

(f) Needless to state, since there is a Civil litigation between the Petitioner and the added Respondent, the above directions would not create any equities in favour of either of the parties. The Civil Court is at liberty to decide the Suit on its own merits and all contentions of the stake holders are kept open;

(g) Needless to state, the final conclusion of Respondent No.3 would rest on the material available before it or further material as may be placed by the Petitioner before Respondent No.3, during the course of the hearing in the matter. Any such additional material, if desired to be relied upon, would be filed by the Petitioner within 7 days from 18th June, 2026.

11. The above order is passed in the peculiar facts and in view of the Petitioner's undertakings to this Court. This order shall not be treated as a precedent in other matters.

(GAUTAM A. ANKHAD, J.)

(ACTING CHIEF JUSTICE)