



R.C.S. No. 1075/2026

CNR No.: MHPU02-008194-2026

[Mrs. Sangita Anant Ghanwat &
Ors. V/s. Pune Municipal
Corporation & Ors.]

ORDER BELOW EXH.5

Perused the application, affidavit and documents on record.

02. It is the contention of Plaintiffs that the suit land bearing S.No. 29/6/1B of Mauje Balewadi, Pune was owned by Plaintiffs along with other co-owners/land holders. The owners entered into a development agreement with Defendant No.6 i.e. developer who obtained Commencement Certificate No. CC/0788/14 dated 16.06.2014, Certificate No. CC/2936/2016 dated 20.12.2016 and CC/2000/2019 dated 03.12.2019 as per the prevailing Rules and Regulations, based on Measurement Map No. 9888 dated 24.01.2012. The sanctioned layout approved vide CC No. 2000/19 expressly shows road under Section 205 of the BPMC Act along with the boundary of the suit land.

03. Defendant No.1 has issued individual Occupancy Certificates under Section 263(1) of the BMPC Act to all Plaintiffs in respect of the suit property. Several intended purchasers have purchased units in suit building by availing loans from the various banks, out of them several purchasers have obtained individual Occupancy Certificates from the Defendant No.1. On 17.11.2025

surprisingly the Plaintiffs had received the letter of the Defendant No.3 i.e. Deputy Engineer, Bandhkam Vikas Vibhag, Zone No.3 whereby he called upon the Plaintiffs to appear for hearing on 21.11.2025 concerning the very same road under Section 205 of the MMC Act. Accordingly, the plaintiff No.1 through her Ld. Advocate filed reply on 21.11.2025. However, the Defendant No.1 vide notice/Khulasa Patra Dated 21.05.2026 issued under Section 51 of the MRTP Act and Section 258 of the MMC Act and approximately 44 other unit holders of the suit building, alleged a discrepancy between certain demarcations measurement No.13262/2024 dated 05.11.2024, the Property Department Measurement No.4703/24 dated 22.05.2023 and boundary fixation dated 03.02.2025 on the one hand and Measurement Map No.9888 dated 24.01.2012 on the other and called the addresses including the Plaintiffs to show cause within 15 days as to why CC/0788/14 and CC/2000/19 should not be canceled. Accordingly, on 04.06.2026 the Plaintiffs submitted their reply. The notice/Khulasa Patra dated 21.05.2026 and 14.07.2026 issued by the Defendant Nos.1 to 3 to the Plaintiffs are illegal and arbitrary therefore, there is apprehension to the suit property. Hence ad-interim ex-parte injunction be granted in favour of the Plaintiffs.

04. Heard, Ld. Advocate for Plaintiffs at considerable length. As per the contentions of Plaintiffs, on 17.11.2025 the Defendant No.3 issued a letter to the Plaintiffs and called upon them to appear for hearing on 21.11.2025. Accordingly, Plaintiff No.1 has also filed

her reply through her Ld. Advocate on 21.05.2026. The Defendant Nos. 1 to 3 have also issued Letter/Khulasa Patra to the Plaintiffs along with other Co-sharers/Plot holders and 15 days time were provided to them for filing their explanation. Subsequently, on 14.06.2026 issued a letter to the Plaintiffs along with other Plot holders/Co-owners and thereby provided 30 days time to discuss the issue regarding the Survey No.29 and 31 in respect of the road which is sanctioned under Section 205 of the MMC Act. Perusing the averments made by the Plaintiffs and the documents on record it reveals that the opportunity of being heard has been provided by the Defendant Nos. 1 to 3 to the Plaintiffs and other Co-owners/Plot holders. Therefore, at this stage no any urgency is made out by the Plaintiffs to grant ad-interim injunction and before passing any order it is just and proper to call say of other side. Hence, issue show cause notice to Defendants asking why temporary injunction as prayed should not be granted. Returnable on 28/08/2026.

Place: Pune.
Date : 21.08.2026.

(Smt. N. S. Sayyad)
Civil Judge Junior Division,
(P.M.C. Court), Pune.