

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

**WRIT PETITION NO. 3111 OF 2019**

Dharma Damodar Jagzap & Ors. ...Petitioners.  
V/s.  
The Commissioner, Municipal Corporation  
Pimpri Chinchwad & Ors. ... Respondents.

Mr. Subhash Gutte a/w. Prajakta Gaonkar for the Petitioners.  
Mr. Rohit Sakhadeo for the Respondent-PCMC.  
Mr. R. M. Shinde, AGP for the State.

**CORAM :       A. A. SAYED &  
                  S. G. DIGE, JJ**

**DATED :       5<sup>th</sup> OCTOBER, 2021**

**P.C.:**

The Petitioners are essentially challenging the allotment process whereby the Respondent-Corporation under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) scheme, constructed and allotted the tenements to 6720 eligible beneficiaries in the first phase. In the second phase, the remaining list of 7312 beneficiaries were to be allotted the tenements. The said second phase was however cancelled. The Petitioners' names appear in the waiting list.

2. We find that the list of 6720 beneficiaries was first declared

in the year 2011. The cause of action thus arose in the year 2011. Merely because the Petitioners had filed Writ Petition no. 14217 of 2017 and the order in the said Writ Petition came to be passed on 15<sup>th</sup> February, 2018 permitting the Petitioners to make representation, the same would not give a fresh cause of action to the Petitioners.

3. Pursuant to the aforesaid order dated 15<sup>th</sup> February, 2018, the representation of the Petitioners is now decided on 10<sup>th</sup> August, 2018. The Petitioners have not challenged the said decision in the Petition. In these circumstance, we are not inclined to look into the alleged illegal allotments which have been made in the year 2011.

4. Learned Counsel for the Respondent-Corporation has pointed out that only 5838 allottees have been allotted tenements as the some of the allottees have not come forward to accept the allotment.

5. The first phase of 6720 allotment, we are told, is now exhausted. The Respondent-Corporation has carried out and is carrying out special drives against the original allottees for violation of the terms and conditions of the allotment on receipt of the any Complaints.

6. Learned Counsel for the Respondent-Corporation pointed out that the process is ongoing process and once the order is passed against the original allottee for violation of the terms and conditions of the allotment, persons from the waiting list are accommodated seriatim, which is published on the website of the Respondent-Corporation, if they are found eligible.

7. We direct the Respondent-Corporation to file Additional Affidavit-in-Reply setting out the number of special drives carried out, the number of notices which have been issued to the original allottee for violation of the terms and conditions of the allotment, the number of the original allottees who have been evicted, names and number of persons on the waiting list who have been accommodated and what further action the Respondent-Corporation proposes to take.

8. Stand over to 16<sup>th</sup> November, 2021. The said Additional Affidavit-in-Reply be filed before the next date with a copy to the other side.

**(S. G. DIGE, J.)**

**(A. A. SAYED, J.)**