

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

WRIT PETITION NO. 9503 OF 2025

Rohan Tapovan Co-operative Housing Society ... Petitioner
versus
State of Maharashtra and Others ... Respondents

...
Mr.Karan Bhosale with Mr.Pralhad Paranjape, Mr.Manish Kelkar,
Ms.Gauri Phadake, Mr.Harsh Sawant and Ms.Shweta More for the
Petitioner.

Mr.P.P.Kakade, Addl. GP with Ms.Pooja Joshi Deshpande, AGP for
Respondent No.1, State.

Mr.Rajdeep Khadapkar for the Respondent – Pune Municipal Corporation.
Ms.Aparna Kalathil with Ms.Sayali Apte i/b. Mr.P.G.Lad for Respondent
No. 5- MHADA.

Adv.Joshva D'souza with Mr.Jash Gandhi, Mr.Chirag Sancheti and
Mr.Saad Memon i/b. Bulwark Solicitors for Respondent No. 6.

...
**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : FEBRUARY 05, 2026

P.C:

1. The issue raised in this Petition is as regards a natural water
body from which rainwater used to flow from the East to the West
direction, which has been manipulated and shrunk on the pretext of
correcting the errors on the records.

2. The Nala had an original width of 11.14 meters qua the Petitioner's property. The new structure proposed tower building to be erected at the behest of Respondent No. 6, is on the eastern side, while the Nala exists abutting the western side. The Corporation has changed the alignment and the width of the Nala only to suit the construction by Respondent no.6. Where the Nala earlier had a width of 11.14 meters on the eastern side, has now been reduced to 4.36 meters. The width of 17.39 meters near the mid-point, has been reduced to 4.08 meters. The width of 18.20 meters in the mid-section, has been squeezed to 7.32 meters, and the exit on the western side, with the width of 16.28 meters, has been reduced to 9 meters. One can easily visualize the situation during the rainy season due to the shrinking and realignment of this Nala in Pune city. It is bound to over-flow and flood the abutting properties.

3. Despite this matter being on board on 17.07.2025, 11.08.2025, 19.08.2025, 02.09.2025, 08.10.2025, and 28.01.2026, neither the Corporation (Respondent Nos. 2 and 3) nor the other Respondents, have filed their affidavits in reply.

4. Respondent No. 1, the State of Maharashtra through its Urban Development Department, issued a notification dated 05.01.2017 notifying

the Development Plan along with Note 1, stating that the Commissioner may correct errors in the boundaries of land parcels, errors in showing Nalas, canals, etc., by considering Revenue/Land Records. Respondent No.4 applied to the Corporation on 03.03.2020 seeking modification/change in the alignment of the Nala flowing through Survey No. 99A, Plot No. 1. The City Engineer, Pune, issued a letter dated 05.08.2020 to the Corporation explaining the provisions of Development Control and Promotion Regulations 2017 (DCPR Rules of 2017) for correcting the alignment of the Nala to reflect the actual Nala.

5. On 18.12.2020, Respondent No. 3 sanctioned the realignment of the Nala situated on CTS No. 3021. This is the position before the Court today, as reflected in the photostat copy showing the original Nala and its realignment, which has resulted in the Nala being squeezed to the bare minimum, at page 201. A colour copy is tendered across the bar and the same is taken on record and paginated as 201-A.

6. A recent photograph dated 01.12.2024 indicates that Respondent No. 4 has started construction at the spot where the Nala earlier existed prior to its realignment. The photograph at page 196 clearly

shows that the Nala has been squeezed, virtually making it appear like a 'ROPE' from one end to the other. It has been deviated with several bends and curves, and during the rainy season, if it overflows, it is anybody's guess that the water would flood the construction site where Respondent No. 6 has recently begun construction and the abutting properties/houses.

7. In view of the above facts, and considering the various factors involved, it would be difficult for the Court to be a silent spectator, when a natural Nala, through which rainwater flows between two major colonies, has been squeezed to enable Respondent No. 6 to erect a proposed G+27 building. As of now, only 4 levels appear to have been constructed at the site.

8. Respondent No. 6 has now constructed up to G+4 floors of the proposed G+27 building. Considering the facts of the case, we find it appropriate to halt further construction at this stage in order to decide the serious issues raised in this Petition. Allowing construction to progress while the Petition is pending could cause irreparable harm and serious prejudice even to Respondent No. 6, who is proposing to invest multiple crores in the project, as also the neighbourhood which is likely to be

flooded due to the manipulation of a natural nala. If, in the eventuality, the structure is later found to require demolition, the consequences would be disastrous.

9. The DP Plan, as conceded by the Corporation, indicates a Nala with a width of 32 meters. The Corporation has not explained why the width of the Nala later reduced to 20 meters. Another argument of the Petitioner is that the Commissioner could only correct draftsman errors in any Development Plan, or typographical errors regarding the boundaries of land parcels, or errors in showing the alignment of existing Nalas, rivers, canals, lakes, and similar water bodies, after taking into account Revenue/Land Records.

10. The DCPR Rules of 2017 constituted the regime under which the Petitioner was permitted to initiate only typographical corrections. The said Rules were repealed and succeeded by the Urban Development Control and Promotion Regulations (UDCPR) on 02.12.2020. One material difference is that, under the UDCPR, the Commissioner is required to consult the Director of Town Planner before taking any decision. The order passed by the Commissioner in the present Petition is dated 18.12.2020.

11. The question that arises is whether the correction in the revenue records could permit changing the alignment of the Nala, or whether any deviation could have been permitted so as to push back the Nala and squeeze it to the bare minimum, resulting in a long ROPE like narrowed Nala.

12. The Respondents have, till date, chosen not to file their reply. No explanation has been forthcoming as to why the same has not been filed.

13. The learned Advocate representing Respondent No. 6 submits, on instructions, that further construction at the site would be halted forthwith and would not be taken forward until 09.03.2026.

14. The Respondents shall file their affidavits, as a last chance, on or before 20.02.2026, with proper pagination and in continuation. Rejoinder affidavit, if any, to be filed on or before 27.02.2026. The Petitioner shall correct the pagination, if there is any overlapping, and ensure continuous pagination, on or before 06.03.2026.

15. List this Petition on **09.03.2026**.

(ABHAY J.MANTRI, J.)

(RAVINDRA V. GHUGE, J.)