

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5197 OF 2026

Vijay Dnyaneshwar Shendkar .. Petitioner

V/S.

State of Maharashtra Thro. The .. Respondents  
Chief Secretary

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Ms. Amrita Kharkar with Sayalee Bhosale i.by R.H. Potnis, for petitioner.

Ms. D.S. Deshmukh, AGP, for respondent Nos. 1, 3 and 4/State.

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CORAM : MANISH PITALE &  
SHREERAM V. SHIRSAT, JJ.

DATE : 29TH APRIL 2026.

PC:

1. Heard learned counsel for the petitioner for some time.
2. The petitioner is seeking relief of a direction to the respondents to issue FSI/TDR in respect of a specific area affected by widening of a road.
3. We find that there was an exchange of correspondence between the petitioner and respondents for a proposal for granting TDR/FSI, in view of the aforesaid portion of the land of the petitioner being utilised for widening the road. But, it is an admitted position that the land acquisition award dated 10/08/2005 was issued by the Special Land Acquisition Officer (16), Pune and a supplementary award/correction of the award enhancing the compensation amount was issued on

19/12/2005.

4. We find that the said documents clearly show that this was treated as a case of compulsory acquisition, despite the exchange of communications between the parties on the possibility of granting TDR/FSI to the petitioner for the said portion of the land.

5. The award and the supplementary award were pronounced as far back as in the year 2005. Thereafter, it appears that the petitioner filed Regular Civil Suit No. 201759 of 2006 on 06/12/2006 before the Court of Civil Judge Senior Division, Pune praying that the resolution passed by the Standing Committee of respondent-Municipal Corporation was binding on the respondents.

6. It appears that an order of status quo was granted, but eventually the suit was dismissed on 27/10/2016.

7. Thereafter, the petitioner again went into a slumber till the present petition was filed in November 2025. This petition was dismissed in default, but subsequently restored by order dated 02/04/2026 passed by this Court.

8. We are of the opinion that the said chronology of events indicates that the petitioner cannot deny the fact that the aforesaid awards were issued in the year 2005 indicating compulsory acquisition portion of the land, for which monetary compensation was duly determined. It appears that the petitioner has refused to accept the compensation and then periodically knocked the doors of the Courts for seeking relief of TDR/FSI.

9. The ill-advised suit was dismissed in the year 2016 and it took nine years for the petitioner to file the present petition.

10. In such circumstances, we are not inclined to entertain the Writ Petition. But, if the respondent – Municipal Corporation is to come forward and agree to granting TDR/FSI for the said portion of land, it would be a different matter. Therefore, instead of dismissing the petition today itself, we are directing the petitioner to serve a copy of this petition on respondent No.2-Pune Municipal Corporation within two weeks from today and to file an affidavit of service.

11. Respondent Nos. 1, 3 and 4 being the State authorities are represented by the learned AGP, who is present in the Court.

12. List for further consideration on 15<sup>th</sup> June 2026, 'High on Board'.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**