

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL WESTERN ZONE BENCH  
AT PUNE

Original Application 41/2020



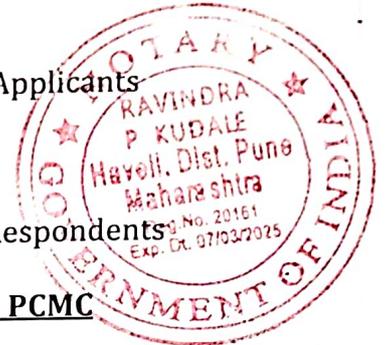
Harmony C.H.S & Ors

... Applicants

Versus

P.C.M.C. & Ors

... Respondents



**Additional Affidavit on behalf of Respondent No 1 PCMC**

I Mr Anil Devram Shinde Aged 56 The Executive Engineer In the Respondent No 1 Corporation do hereby solemnly affirm and state as under

- 1) The Answering Respondent states that the site Crematorium is located at Sector No 32 A of Village Ravet. It is stated that the site is located at a distance of about 100 meters from the river bank. Further it is pertinent to note that there is a 12 Meter wide road which is along the river bank and crematorium site is far away from river bank. Photographs of the site along with the Google Map image. is hereto annexed and marked as **Annexure R-1.**
- 2) Further it is submitted that the present Crematorium structure raised for a public utility and is a necessary for the requirement of the public purpose.
- 3) It is submitted that a part of the site is located between the river bank and the blue flood line and a portion of the said site is located between the blue line and the red line. It is submitted that as per the provisions of the Unified Development Control and Promotion Regulations for Maharashtra State (UDCPR) clause 3.1.3 which reads as follows.

*"3.1.3 Construction within Blue and Red Flood Line i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.*

- a) *The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization. Provided that, redevelopment of the existing authorised properties,*

within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.

- b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.
- c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.
- d) The red and blue flood line, if shown on the Development/Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department." A copy of the relevant extract of the UDCPR (Unified Development Control and Promotion Regulations for Maharashtra State) is hereto annexed and marked as **Annexure R-2**

- 4) Thus from a plain reading of the above provision it is amply clear, that construction of public utility purpose such as garden, lawns, open space, cremation and burial grounds are permitted within the area that lies between the river bank and the blue flood line. Thus nothing further remains for consideration in this Original Application and it may be dismissed.
- 5) The Answering Respondent further states that, the only intention of the Applicants is to some how stop the crematorium from coming up near their residence. The Applicants are already agitating the issue of reservation of the crematorium before the Hon'ble High Court of Bombay vide Writ Petition (St)No 13151/2021. A copy of the Writ Petition (St)No 13151/2021 is hereto annexed and marked as Annexure R-3.
- 6) For the aforesaid reasons the present Original Application deserves to be dismissed with costs.

*S. Shinde*  
Adv For Respondent No 1



Solemnly Affirmed  
At Pimpri, Pune  
On this 22<sup>nd</sup> day of August 2023.

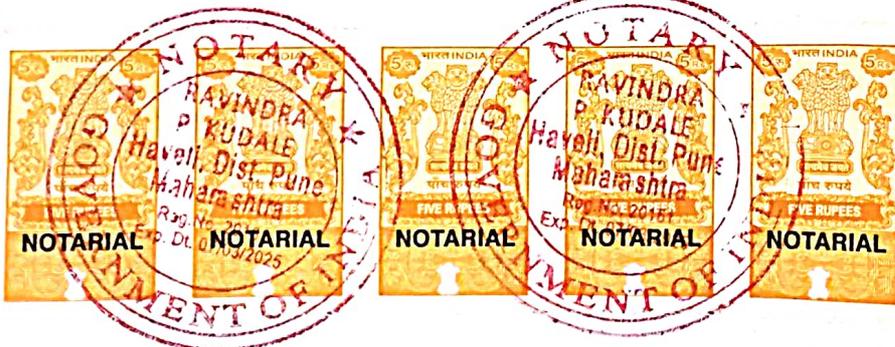
*[Signature]*  
Authorized Signatory  
For Respondent No 1

(Shri Anil Shinde)

Executive Engineer

**BEFORE ME**

*[Signature]*  
**RAVINDRA P. KUDALE**  
ADVOCATE & NOTARY  
GOVERNMENT OF INDIA  
Belthika Nagar, Thorgaon  
Pune - 411 033  
Mob. 7387392282

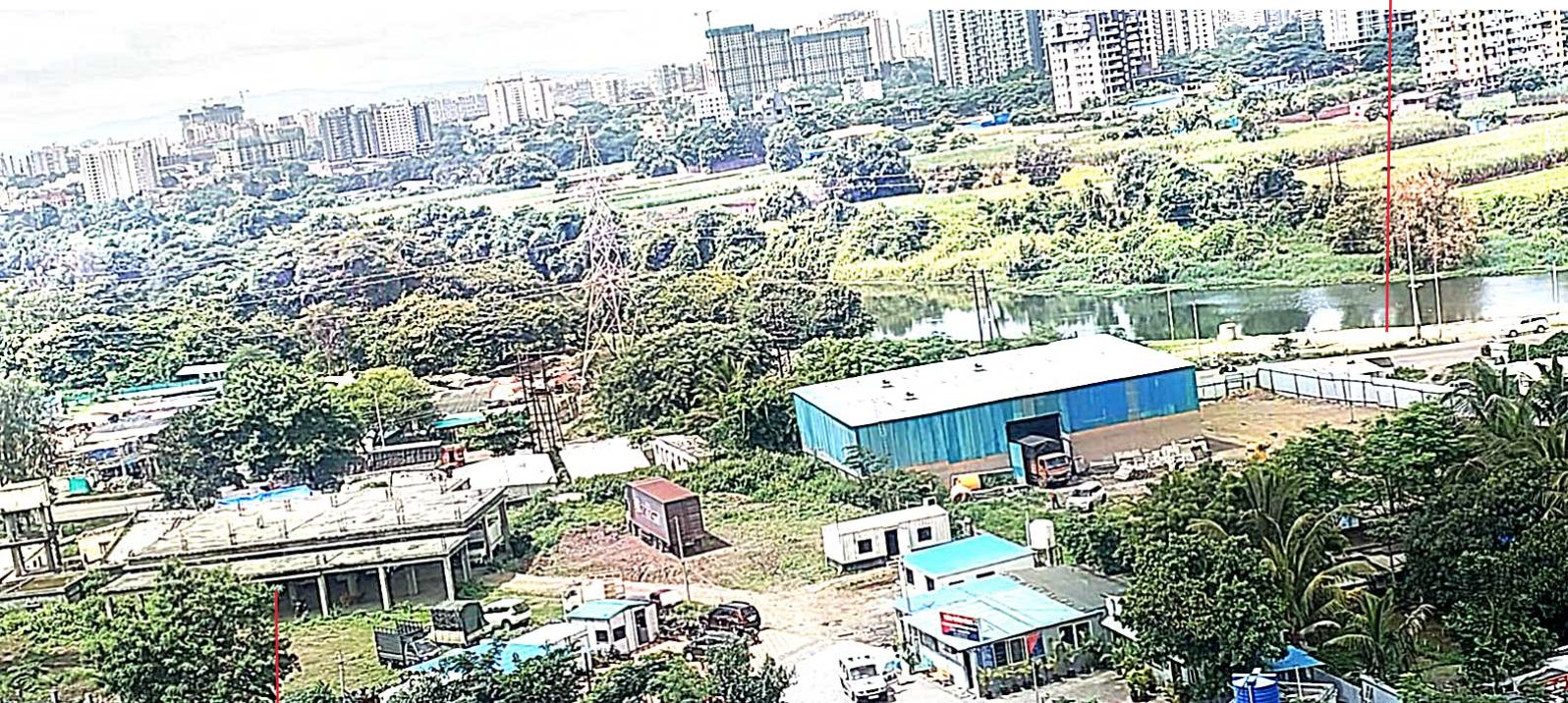


NOTED & REGISTERED  
AT SR NO. 514/2023  
DATE: 22 AUG 2023





Pavana River



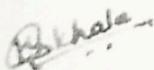
Structure

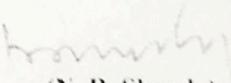


**UNIFIED  
DEVELOPMENT  
CONTROL AND  
PROMOTION  
REGULATIONS FOR  
MAHARASHTRA  
STATE.**

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1. These Unified Development control and Promotion Regulations are sanctioned by the State Government under Section 37(IAA)(c) and Section 20(4) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/DP&RP/Sec.37(IAA)(c) & Sec.20(4) UD-13, Dated 02 December, 2020.
2. These Unified Development control and Promotion Regulations are published by the State Government under Section 20(3) of the Maharashtra Regional & Town Planning Act, 1966 vide Notice No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02 December, 2020.
3. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02 December, 2020.
4. These Unified Development control and Promotion Regulations are published by the State Government under Section 37(IAA)(c) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/Sec.37(IAA) UD-13, Dated 02 December, 2020.
5. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.37(IAA)/UD-13, Dated 02 December, 2020.

  
(Kishor Gokhale)  
Under Secretary  
Government of Maharashtra

  
(N. R. Shende)  
Joint Secretary and Director of Town Planning  
Government of Maharashtra

**Applicable to all Planning Authorities and Regional Plan areas  
except Municipal Corporation of Greater Mumbai, Other Planning Authorities /  
Special Planning Authorities / Development Authorities within the limit of  
Municipal Corporation of Greater Mumbai, MIDC, NAINA, Jawaharlal Nehru Port Trust,  
Hill Station Municipal Councils, Eco-sensitive / Eco-fragile region notified by MoEF & CC  
and Lonavala Municipal Council, in Maharashtra.**

**GOVERNMENT OF MAHARASHTRA  
URBAN DEVELOPMENT DEPARTMENT**

### 3.1.2 Distance of Site from Electric Lines

No structure including varandah or balcony shall be allowed to be erected or re-erected or any additions or alterations made to a building on a site within the distance quoted in Table No. 3A below in accordance with the prevailing Indian Electricity Rules and its amendments from time to time between the building and any overhead electric supply line.

Table No.3A - Distance of site from Electric Lines		
Electric Lines	Vertical (Meters)	Horizontal (Meters)
Low and medium voltage Lines	2.50	1.20
High voltage lines up to and including 33000 V.	3.70	2.00
Extra High voltage lines beyond 33,000 V	3.70	2.00
	(Plus 0.3 m. for every additional 33,000 V or part thereof)	
<p><b>Note-</b>The minimum clearance specified above shall be measured from maximum sag for vertical clearance and from maximum deflection due to wind pressure for horizontal clearance.</p>		

### 3.1.3 Construction within Blue and Red Flood Line

#### i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.

- a) The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization.

Provided that, redevelopment of the existing authorised properties, within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.

- b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.
- c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.
- d) The red and blue flood line, if shown on the Development/Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department.

#### ii) Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department.

Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department, the tentative Blue line shall be earmarked taking into consideration maximum observed flood level records available locally and also

interacting with the residence in the area. The plan showing such tentative Blue line shall be got approved from Chief Engineer, Irrigation Department. The distance of 50 m. on landward side from this tentative Blue line shall be treated as No Construction Zone.

In such cases, provisions of Regulation No. 3.1.3 (i) (a,b,c,d) shall be applicable to that extent.

Till such tentative Blue line is prepared and marked on the plan, the development permission shall be governed by the provisions of Regulation No. 3.1.1 (ii).

#### **3.1.4 Development within 30 M. Distance from Railway Boundary**

For any construction within 30 m. from railway boundary, No Objection Certificate from Railway Authority shall be necessary.

#### **3.1.5 Environmental Clearance**

Environmental clearance certificate shall be submitted for the project as may be prescribed by the Ministry of Environment from time to time.

#### **3.1.6 Development along Highways / Classified Roads**

The development along the highways shall be subject to the provisions of State Highways Act, 1965 and National Highway Act, 1956 and orders issued by Public Works Department, directives issued by Urban Development Department vide Resolution No.TPS-1819/UOR-36/19/UD-13, dated 5.8.2019 in this regard, from time to time. The highways passing through the cities shall be treated as city roads.

A service road as specified in Regulation No. 3.3.8 shall be provided along State and National Highways on both sides. Where service road of 12m width is already provided in adjoining land, such service road of the same width may be continued in the development permission. Such service roads may not be insisted if it has no continuity from junction to junction due to existing authorised development / construction.

#### **3.1.7 Development within certain distance from the Prison Premises**

The development within 150 m., 100 m., 50 m., from the perimeter wall of Central Prison, District Prison and any Sub Prison respectively shall be regulated and may be permitted with prior consent of the committee constituted in this regard by the Home Department. This provision shall be subject to the orders issued by the Government from time to time.

#### **3.1.8 Distances from land fill sites**

For any residential development, segregating distance from the land fill site shall be observed as specified under Solid Waste Management Rules in force from time to time or as specified by competent authority.

#### **3.1.9 Restrictions in the vicinity of Airport**

For structure, installations or buildings including installations in the vicinity of aerodromes,

- i) The height shall be restricted to permissible top elevation as mentioned on Colour Coded Zoning Maps (CCZM) prepared by the Airport Authority of India (AAI) published on its web site.
- ii) For any additional height beyond that mentioned in i) above, prior NOC from AAI shall be submitted.

**Sugandh B. Deshmukh**

ADVOCATE HIGH COURT MUMBAI

deshmukh.com@gmail.com

Mob: 98334 10311

(BY - HAND SPEED POST/ R.P.A.D./E.MAIL)

24.12.2021

D1270

- To,
- [1] Pimpri Chinchwad New Town  
Development Authority (PCNTDA),  
New Administrative Building,  
Near Akurdi Railway Station, Pune - 44.
- [2] The Chief Executive Officer,  
Pimpri Chinchwad New Town  
Development Authority PCNTDA,  
New Administrative Building,  
Near Akurdi Railway Station, Pune - 44.
- [3] The Pimpri-Chinchwad Municipal Corporation,  
Mumbai Pune Road, Pimpri,  
Pune 411 018.
- [4] The Collector Pune,  
Collector Office, Pune

प्रशासन विभाग पि.चि.मनपा. पंपरी-१८.	
पोस्टाचे टपाल	
दिनांक	27 JUN 2022
आवक क्रमांक	9200
विभाग	क14/६1
लिपिक	<i>[Signature]</i>
मु. लिपिक	<i>[Signature]</i>
प्रशासन अधिकारी	<i>[Signature]</i>
सहा. आयुक्त प्रशासन	<i>[Signature]</i>
उप आयुक्त प्रशासन	<i>[Signature]</i>
अति.आयुक्त	<i>[Signature]</i>
आयुक्त	<i>[Signature]</i>

**SUB: HIGH COURT (APPELLATE SIDE) BOMBAY****Writ Petition (St.) No. 13151 of 2021**Harmony Co-operative Housing Society . **Petitioner**

Versus

Pimpri-Chinchwad New Town &amp; ors

**Respondents**

Sir/ Madam,

With respect of the abovesubject matter this is to inform you that the abovesubject Writ Petition bearing Writ Petition (St.) No. 13151 of 2021 is filed before Honourable Bombay High Court (Appellate Side). Please find enclosed herewith a copy of abovesubject Writ Petition alongwith all its annexures as and by way of service upon you for the concerned Respondents. Kindly acknowledge the same. Thanking you.

Yours faithfully

*[Signature]*  
for Advocate for the Petitioner

Encl. Copy of Writ Petition alongwith all its annexures.

9300

312

2022

ज. नं.: - 1625

दिनांक: - 4/7/2022

ब. सी. मोर.

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

AT BOMBAY

(5t) 13151  
CIVIL WRIT PETITION NO. \_\_\_\_\_ OF 2021

FROM DISTRICT - PUNE

Harmony Co-operative Housing Society  
Through its Secretary,  
Shri. Vishal Jagtap & Ors.

PETITIONERS

VERSUS

Pimpri Chinchwad New Town  
Development Authority (CNTDA) & Ors.

RESPONDENTS

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 SUGANDH DESHMUKH  
 ADVOCATE FOR THE PETITIONER

BOMBAY  
/ 07 / 2021.

D1270

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

CIVIL WRIT PETITION NO. \_\_\_\_\_ OF 2020

FROM DISTRICT - PUNE

Harmony Co-operative Housing Society & Ors.

PETITIONERS

VERSUS

Pimpri Chinchwad New Town  
Development Authority (CNTDA) & Ors.

RESPONDENTS

[A] SYNOPSIS:

[I] CHALLENGE IN BRIEF:

Feeling aggrieved by the construction of Crematorium (Cremation Center) in Sector 32A, Ravet Pradhikaran, Pimpri Chinchwad Municipal Corporation Area, Pune which is near/adjacent to the residential premises of the Petitioner Societies and also feeling aggrieved by not shifting of the Cremation Center from Sector 32 A of Ravet Pradhikaran and the Petitioners also seeking direction from this Hon'ble Court to direct the Respondents to cancel the reservation of Cremation Center in Sector 32 A, Ravet Pradhikaran, Pune admeasuring area 9100.20 Sq.Mtrs that the Petitioners are approaching this Honourable Court.

[II] LIST OF DATES:

Sr. No.	Dates	Particulars and Events.
1		The Petitioner No. 1 to 5 are the residential Co-operative Housing Societies at Sector 32A Ravet Pradhikaran, Pune and have come together for the purpose of opposing the construction of Cremation Center adjoining to their residential societies. The Petitioners also seeking direction from this Hon'ble Court to direct the Respondents to cancel the reservation of Cremation Center in Sector 32 A, Ravet Pradhikaran, Pune admeasuring area 9100.20 Sq.Mtrs
2		The Respondent No. 2 is the Chief Administrative Officer of the Respondent No. 1 Authority.
3	28.11.1995 15.01.1996	It appears that there was a reservation bearing Reservation No. 596 for the purpose of Crematorium (Cremation Center) in Sector 32A, Ravet Pradhikaran, Pune admeasuring area 9100.20 Sq.Mtrs. The said reservation was included in the

B

		modified development plan dated 28 <sup>th</sup> November 1995 which has come into force since 15 <sup>th</sup> January 1996. It appears when initially the said reservation was proposed in the year 1995 that time said area of proposed reservation was vacant and there were no residential societies or habitation nearby said reserved area.
4.		After the year 1995 and particularly after the year 2000, there are vast changes happened in Ravet Pradhikaran area as well as the Pimpri Chinchwad Municipal Corporation (PCMC) area and the demography of the said area is completely changed.
5.		As stated above due to the rapid urbanization of the said Sector 32 A and hence now it is not possible to develop crematorium in Sector 32 A as the said area is now thickly populated and surrounded by residential societies.
6.	2000	The Municipal Corporation has sanctioned various residential as well as commercial plans to the various buildings and now almost around more than 2000 flats holder are staying in the vicinity of the Cremation Center. There are 5-6 residential societies of the Petitioners are constructed in the adjoining/adjacent to the proposed crematorium. The said plans were sanctioned by the Respondents by taking into consideration of impossibility and impracticability of development of Crematorium in Sector 32, A.
7.		When the flat holders purchased the flats that time no notice was given and there was no board was displayed on the said site that the said area is reserved for the proposed Crematorium.
8.		The said Cremation Center is hardly 32 meters i.e. approximately 100 feet away from the Petitioner No. 1 society. The distance from the river and between the Cremation Center is more than 140 meters. Hence in any case the said Cremation Center is far away from the river which is one of the significant requirements for the purpose of Cremation Center.
9.	2015	Till 2015 no any steps were taken to develop the said Crematorium. There are now following six Crematorium in the vicinity of Sector 32 A and can be reached within 3 minutes to 13 minutes time.
10.	2015	Only in the year 2015, it appears that some of the persons from Valhekar Wadi with vested interest started demanding to develop crematorium in Sector

C

		32 A, Ravet Pradhikaran.
11.	26.01.2018	On this background on 26 <sup>th</sup> January 2018, the news was published in Daily Sakal regarding the development of the Crematorium in Sector 32 A.
12.		The Petitioners immediately made representation through said Samiti and pointed out the factual position and the development took place after the reservation of the said Crematorium.
13.	15.01.2019	The Respondent No. 1 rejected the said representation and request to stay the proposed Crematorium on 15 <sup>th</sup> January 2019.
14.		After the Petitioners raised the objection thereafter without considering the objection of the Petitioners and with a malafide intention and hurriedly the Respondent No. 1 sanctioned the plan.
15.	07.04.2019 16.04.2019	After the receipt of the said reply, the Petitioners again made representations to stop the development of the crematorium. on 7 <sup>th</sup> April 2019 and 16 <sup>th</sup> April 2019 and requested to review the earlier decision.
16.	27.05.2019	Meantime the Respondent No. 1 on 27 <sup>th</sup> May 2019 requested to the Respondent No. 3 Corporation to find out another site for crematorium considering the site involved in this Petition is surrounded by the residential buildings. It also appears that the Commissioner of the Respondent Corporation maintained the said reservation by letter dated 10 <sup>th</sup> August 2019. Hence the Petitioners again made representations to the Respondents. The Petitioners pointed out that the Respondents instead of considering interest of the citizens are only shifting burden on each other.
17.	12.06.2019	The Respondent No. 2 communicated on 12 <sup>th</sup> June 2019 that the request for review cannot be accepted.
18.	30.12.2019	The Commissioner of the Respondent No. 3 called for the meeting on 30 <sup>th</sup> December 2019 regarding the development of the crematorium. In the said meeting the Respondent No. 2 agreed and admitted that if the Corporation send proposal to change the reservation then it is possible to consider the said change. The Commissioner has also directed to convert the said site into garden.
19.	15.02.2020	The stay was granted to the construction of the crematorium by the Commissioner. Another meeting was held on 15 <sup>th</sup> February 2020 and the Respondents had taken complete U-turn and decided to continue

D

		the work.
20.		There is no public objections were invited by the authorities at the time of sanctioning the plan or to take review of the situation, whether the Cremation Center is required in the said area or not and what is the present position.
21.	June 2020	Thereafter the Petitioners and members of the met the Respondents and requested to change the decision. Thereafter due to COVID-19 infection the State and Central Government declared lock down. In second week of June 2020 again the Respondents visited the said site and decided to start the work. Hence the Petitioners are approaching this Honorable Court thereby opposing the construction of Cremation Center in Sector 32A, Ravet Pradhikaran and are approaching this Honorable Court by filing this Writ Petition.
22.		Hence this Writ Petition.

### III] SUBMISSIONS TO BE MADE:-

1. The Petitioners submit that the Respondents i.e. PCNDTA authorities have granted plans for residential buildings adjoining to the proposed crematorium and in the vicinity of 32 Meters i.e. 100 feet approximately from the proposed Crematorium itself shows that it is not practicable to develop crematorium in that area. The Petitioner submits once the plans of residential buildings of the Petitioner Societies are sanctioned then there is a legitimate expectation on the part of the Petitioners that no any other activity or development will be carried out adjacent to the residential buildings which is injurious and contrary to the residential use.
2. The Petitioners submit that the Respondent Authorities are estopped to develop the crematorium adjacent to the buildings of the Petitioners and it is not fair and equitable on the part of the authorities and it is illegal.
3. The Petitioners submit that it is clear that within a vicinity of 100 feet from the residential premises of the petitioner, the Cremation Center is being constructed. The Petitioners submit that there is only one road going to the proposed Cremation Center and the societies. The Petitioners submit that it will result in traffic jams on the said road and all the vehicles of relatives of the dead person, ambulances and the vehicles of the person who are staying in the petitioners societies, school buses will go through the same road.
4. The Petitioners submit that the process of corpse cremation generates numerous harmful air pollution including particular matter (PM), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides(NO<sub>2</sub>), volatile organic compounds and heavy metals. These pollutants could have

severe effects on the surrounding environment and human health.

5. The Petitioners submit that the Commissioner of the Respondent Corporation assured and agreed for cancellation of the crematorium in Sector 32A. The news item was published in the news paper regarding cancellation of the crematorium.
6. The Petitioners submit that most of the crematoriums are on the bank of the rivers and in the blue line. The Petitioners submit that after taking requisite permissions, the crematorium can be constructed in the blue line. As per the Hindu mythology, the last rites are always done on the bank of the river. The Petitioners submit that the Respondents have nowhere come with the stand that they tried to take the permission to develop crematorium in the blue zone or they made any effort to find other suitable place for crematorium. In the first instance, there is no need of crematorium as already there are six crematoriums in the nearby area. That it is possible to develop crematorium in blue line. The Petitioners submit that hence the reason of alternate lands are in the blue zone is false reason given by the Respondent and not tenable in the eyes of law.
7. The Petitioners submit that the right to life includes to live and prosper in decent and dignified environment and hence it is violative of fundamental rights of the members of the Petitioners and the Respondents. The Petitioners submit that hence in the facts of circumstances Cremation Center cannot be constructed at the site which is abutting or adjoining to the residential premises.
8. The Petitioners submit that the said alleged reservation remained in dormant for more than 25 years and it has lost its significance and utility due to the intervening circumstances as well as the steps taken by the Respondents themselves to develop the area around the said reservation for residential and commercial purpose.
9. The Petitioners submit that the Petitioner also demonstrate that the environmental norms which is required for the purpose of following the Cremation Centers are not followed.

**RELEVANT STATUTORY PROVISION**

1. The Constitution Of India, 1950;
2. The Maharashtra Municipal Corporation Act, 1949;
3. The Maharashtra Regional Town Planning Act, 1966;
4. The Environmental Acts And Rules;

**CASE LAW**

Nil at present.

  
SUGANDH DESHMUKH  
ADVOCATE FOR THE PETITIONERS

BOMBAY  
/ 07 / 2021.

D1270

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

CIVIL WRIT PETITION NO. \_\_\_\_\_ OF 2021

FROM DISTRICT-PUNE

IN THE MATTER OF ARTICLE 226  
OF THE CONSTITUTION OF  
INDIA, 1950:

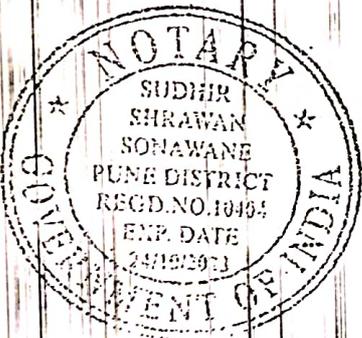
AND

IN THE MATTER OF ARTICLES  
14 AND 21 OF THE  
CONSTITUTION OF INDIA, 1950:

AND

IN THE MATTER OF PROVISIONS  
OF MAHARASHTRA MUNICIPAL  
CORPORATION ACT, 1949:

1. Harmony Co-operative Housing Society )  
Limited )  
Through its Secretary, )



2

- Shri. Vishal Jagtap )  
 Plot No. LC/1/3, )  
 Bhondve Corner, Sector 32A, )  
 Ravet Pradhikaran, Pune - 412101 )
2. La Casita Co-operative Housing Society )  
 Limited, )  
 Through its Chairman, )  
 Shri. Gokul K. Gugale )  
 Sector 32A, Ravet Pradhikaran, )  
 Pune - 412101 )
3. Pawani Pride Co-operative Housing )  
 Society Limited, )  
 Through its Signing Authority, )  
 Shri. Anant Maharu Patil )  
 Sector 32A, Ravet Pradhikaran, )  
 Pune - 412101 )
4. Bhumi Siddhi Co-operative Housing )  
 Society Limited, )  
 Through its Secretary, )  
 Shri. Padmaja Chinchwade )  
 Sector 32A, Ravet Pradhikaran, )  
 Pune - 412101 )
5. Dhruv Siddhi Co-operative Housing )  
 Society Limited, )  
 Through its Secretary, )  
 Shri. Amol Kawale )  
 Sector 32A, )  
 Ravet Pradhikaran, )  
 Pune - 412101 )

PETITIONERS

VERSUS

1. Pimpri Chinchwad New Town )  
 Development Authority (PCNTDA), )  
 Having its office at )  
 New Administrative Building, )  
 Near Akurdi Railway Station, )  
 Pune - 44. )
2. The Chief Executive Officer, )  
 Pimpri Chinchwad New Town )  
 Development Authority PCNTDA, )  
 Having its office at )  
 New Administrative Building, )  
 Near Akurdi Railway Station, )  
 Pune - 44. )

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3. The Pimpri-Chinchwad Municipal Corporation, )  
Mumbai Pune Road, Pimpri, )  
Pune 411 018. )
4. The Collector Pune, )  
Collector Office, )  
Pune )
5. The State of Maharashtra )  
Urban Development Department, )  
Mantralaya, )  
Mumbai. )
- [Summons to the Respondent Nos. 4 and 5 )  
to be served on the Learned Government )  
Pleader appearing for State of Maharashtra )  
under Order XXVII, Rule 4, of the Code of )  
Civil Procedure, 1908]. )

**RESPONDENTS**

TO,

**THE HONOURABLE THE CHIEF JUSTICE  
AND THE COMPANION HONOURABLE  
JUDGES OF HIGH COURT OF  
JUDICATURE OF BOMBAY,  
APPELLATE SIDE,  
AT BOMBAY**

**THE ABOVE NAMED PETITIONERS MOST RESPECTFULLY  
SHEWETH:**

Feeling aggrieved by the construction of Crematorium (Cremation Center) in Sector 32A, Ravet Pradhikaran, Pimpri Chinchwad Municipal Corporation Area, Pune which is near/adjacent to the residential premises of the Petitioner Societies and also feeling aggrieved by not shifting of the Cremation Center from Sector 32 A of Ravet Pradhikaran and the Petitioners also seeking direction from this Hon'ble Court to direct the Respondents to cancel the reservation of Cremation Center in Sector 32 A, Ravet Pradhikaran, Pune admeasuring area 9100.20 Sq.Mtrs that the Petitioners are approaching this Honourable Court under Article 226 of the Constitution of India 1950.

The facts and circumstances from which the present Writ Petition arises

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are capsualised herein below for the sake of ready reference and convenience.

FACTS OF THE PETITION

1. The Petitioners submit that the Petitioner No. 1 to 5 are the Co-operative Housing Societies at Sector 32A Ravet Pradhikaran, Pune and have come together for the purpose of opposing the construction of Cremation Center adjoining to their residential societies. The Petitioners also seeking direction from this Hon'ble Court to direct the Respondents to cancel the reservation of Cremation Center in Sector 32 A, Ravet Pradhikaran, Pune admeasuring area 9100.20 Sq.Mtrs
2. The Petitioners submit that the rest of the Petitioners are the individual persons who are the flat holders of the Petitioner society and they are residing in the Petitioner No. 1 society and other adjoining societies.
3. The Petitioners submit that the Respondent No. 1 is the Development Authority of the Ravet area and the Respondent No. 1 has proposed the construction the Cremation Center in Sector 32A.
4. The Petitioners submit that the Respondent No. 2 is the Chief Administrative Officer of the Respondent No. 1 Authority.
5. The Petitioners submit that the Respondent No. 3 is the concerned Corporation and has made budgetary provision for the development of the said Crematorium.
6. The Petitioners submit that the Respondent No. 4 is the Collector of the Pune District and is the Chief Administrative Officer so far as the Pune District concerned.
7. The Petitioners submit that the Respondent No. 5 is the State of Maharashtra, Urban Development Department and the said department is the supervisory department over all the Municipal Corporations as well as the Planning Authorities in the State of

Maharashtra.

8. The Petitioners submit that it appears that there was a reservation bearing Reservation No. 596 for the purpose of Crematorium (Cremation Center) in Sector 32A, Ravet Pradhikaran, Pune admeasuring area 9100.20 Sq.Mtrs. The Petitioners submit that the said reservation was included in the modified development plan dated 28<sup>th</sup> November 1995 which has come into force since 15<sup>th</sup> January 1996. It appears when initially the said reservation was proposed in the year 1995 that time said area of proposed reservation was vacant and there were no residential societies or habitation nearby said reserved area. .
9. The Petitioners submit that after the year 1995 and particularly after the year 2000, there are vast changes happened in Ravet Pradhikaran area as well as the Timpri Chinchwad Municipal Corporation (PCMC) area and the demography of the said area is completely changed.
10. The Petitioners submit that the earlier the PCMC area was the industrial area and no prominent residential activities were located in the PCMC area.
11. The Petitioners submit that due to the urbanization in the last 20-25 years many of the industries have shifted now from PCMC area and now the said area is dominantly occupied for the residential purpose. In the said area now many Information Technology (IT) companies have established and hence the said area has become the IT hub which has propelled the demand of residential flats. The said area is traditionally auto hub and now has also become educational hub. The said area is one of the most developing urban agglomerations in India. .
12. The Petitioners submit that as stated above due to the rapid urbanization of the said Sector 32 A and hence now it is not possible to develop crematorium in Sector 32 A as the said area is now thickly populated and surrounded by residential societies.

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13. The Petitioners submit that the Municipal Corporation has sanctioned various residential as well as commercial plans to the various buildings and now almost around more than 2000 flats holder are staying in the vicinity of the Cremation Center. There are 5-6 residential societies are constructed in the adjoining/adjacent to the proposed crematorium. The said plans were sanctioned by the Respondents by taking into consideration of impossibility and impracticability of development of Crematorium in Sector 32 A.
14. The Petitioners submit that the Petitioner societies are having many members as mentioned above. The Petitioners submit that all these peoples are staying there for last many years and more particularly they have started occupying their flats from year 2008 -2009 onwards.
15. The Petitioners submit that when the flat holders purchased the flats that time no notice was given and there was no board was displayed on the said site or any public notice that the said area is reserved for the proposed Crematorium.
16. The Petitioners submit that the said Cremation Center is hardly 34 meters i.e. approximately 100 feet away from the Petitioner No. 1 society. The Petitioners submit that the distance from the river and between the Cremation Center is approximately 140 meters. The Petitioners submit that hence in any case the said Cremation Center is far away from the river which is one of the significant requirements for the purpose of Cremation Center.
17. The Petitioners submit that the said proposed Cremation Center is abutting to the residential area. The Petitioners submit that the Petitioners were not aware about the said reservations and well as the said Cremation Center. The Petitioners submit that obviously if there would have been any sign or notice was given regarding the Cremation Center near to the residential area and that is too 20 to 30 feet obviously the Petitioners would not have purchased the said flats. The members of the Petitioners purchased the residential

D.P. plan  
B.P.  
Authority

PC NDTA  
D.P. plan

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premises to live a decent and better life by spending their lifetime saving.

18. The Petitioners submit that till 2015 no any steps were taken to develop the said Crematorium. The Petitioners submit that there are now following six Crematorium in the vicinity of Sector 32 A and can be reached within 3 minutes to 13 minutes time.

- i) Punawale Crematorium- 1.5 kms ( 3 minutes)
- ii) Ravet Crematorium – 2 km ( 5 minutes)
- iii) Naguji Laxman Dhumal Crematorium – 4.3 kms (11 minutes)
- iv) Amar Dham Crematorium(Nigadi) – 5.5 kms (13 minutes)
- v) Kalewadi Crematorium – 7.1 kms ( 15 minutes)
- vi) Electric Crematorium Pimpri Link Road – 7.8 kms (17 minutes)

19. Only in the year 2015, it appears that some of the persons from Valhekar Wadi with vested interest started demanding to develop crematorium in Sector 32 A, Ravet P:adhikaran.

20. The Petitioners submit that on this background on 26<sup>th</sup> January 2018, the news was published in Daily Sakal regarding the development of the Crematorium in Sector 32 A. The Petitioners submit that initially with the help of the Ravet Pradhikaran Nagarik Samiti, Committee which is formed by the people of Ravet Pradhikaran and which was later joined by the residents of Sector 32A for the purpose of opposing the construction of Cremation Center adjoining to their residential societies.

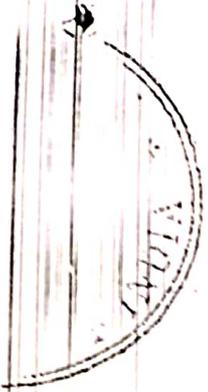
21. The Petitioners immediately made representation through said Samiti and pointed out the factual position and the development took place after the reservation of the said Crematorium.

22. It was also pointed out that there are 6 crematoriums in the nearby

area and now residential buildings have been constructed in the adjoining area of the proposed Crematorium. The Petitioners also pointed out the environmental hazards and danger to the life of the residents. The copy of the representation made by the Petitioners is enclosed herewith and is marked as EXHIBIT-A.

23. The Petitioners submit that the Respondent No. 1 rejected the said representation and request to stay the proposed Crematorium on 15<sup>th</sup> January 2019. The copy of the said letter was given to the Petitioners on 25<sup>th</sup> March 2019. The Respondent No. 1 rejected the said request and informed that the plan is sanctioned on 5<sup>th</sup> January 2019. The copy of the reply dated 15<sup>th</sup> January 2019 given by the Respondent No. 1 is enclosed herewith and is marked as EXHIBIT-B.
24. The Petitioners submit that after the Petitioners raised the objection thereafter without considering the objection of the Petitioners and with a malafide intention and hurriedly the Respondent No. 1 sanctioned the plan. The copy of the sanctioned plan is enclosed herewith and is marked as EXHIBIT-C.
25. After the receipt of the said reply, the Petitioners again made representations to stop the development of the crematorium on 7<sup>th</sup> April 2019 and 16<sup>th</sup> April 2019 and requested to review the earlier decision. The copies of the representations dated 7<sup>th</sup> April 2019 and 16<sup>th</sup> April 2019 is enclosed herewith and is marked as EXHIBIT-D. } work
26. The Respondent No. 2 communicated on 12<sup>th</sup> June 2019 that the request for review cannot be accepted. The copy of the reply given by the Respondent No. 2 is enclosed herewith and is marked as EXHIBIT-E.
27. Meantime the Respondent No. 1 on 27<sup>th</sup> May 2019 requested to the Respondent No. 3 Corporation to find out another site for crematorium considering the site involved in this Petition is surrounded by the residential buildings. It also appears that the

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Commissioner of the Respondent Corporation maintained the said reservation by letter dated 10<sup>th</sup> August 2019. Hence the Petitioners again made representations to the Respondents. The Petitioners pointed out that the Respondents instead of considering interest of the citizens are only shifting burden on each other. True copies of the representation made by the Petitioners and the similarly situate persons is enclosed herewith and is marked as EXHIBIT-F (Colly).

28. The Petitioners submit that the Commissioner of the Respondent No. 3 called for the meeting on 30<sup>th</sup> December 2019 regarding the development of the crematorium. In the said meeting the Respondent No. 2 agreed and admitted that if the Corporation send proposal to change the reservation then it is possible to consider the said change. The Commissioner has also directed to convert the said site into garden. The copy of the minutes of meeting dated 30<sup>th</sup> December 2019 is enclosed to the memo of the Petition and is marked as EXHIBIT-G.
29. The Petitioners submits that the members of the respective petitioners have purchased the flats / shops by taking financial assistance from bank and are having huge burden individually and they were totally unaware of the proposed cremation ground. That the respondents have never exhibited any notice board on the site about proposed cremation ground. It is only after all the area was fully occupied by residents, the actual work at the said cremation ground was started by the respondents. It is submitted that because of vested interests of the stake holders the same was not brought to the notice at the initial stage of housing project. It is submitted that the said issue was brought to the notice of PCMC/PCNDTA and accordingly the PCMC commissioner decided to cancel this project and the same news was published at the portal of mpcnews.in on 30th December 2019 and the same is enclosed to the memo of the Petition and is marked as EXHIBIT-H.
30. The Petitioners submit that stay was granted to the construction of the crematorium by the Commissioner. Another meeting was held
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on 15<sup>th</sup> February 2020 and the Respondents had taken complete U-turn and decided to continue the work. The copy of the minutes of meeting dated 15<sup>th</sup> February 2020 is enclosed herewith and is marked as EXHIBIT-1.

31. The Petitioners submit that the otherwise also as stated above because of the various residential activities as well as the commercial activities in the adjoining area of the Cremation Center now it is not possible to construct the Cremation Center at the proposed site. The construction of the Cremation Center may cause danger to the life of the residents in the adjoining area.
32. The Petitioners submit that it is require to be noted that at the time of sanctioned the plan of the buildings in which the members of the Petitioner societies are residing that time the planning authority has not taken into consideration the reservation of Cremation Center. In that case the planning authority ought not to have sanctioned the plans of the residential building in the adjoining area of the proposed Cremation Center. The Petitioners submit that there is a promissory estoppel on the part of the planning authority. The Petitioners submit that the buildings in the adjoining are constructed on the basis of the sanctioned plans and the many persons changed their position and purchased the said flats on the basis of the solemn promise given by the authorities in the form of sanctioned plans. The Petitioners submit that now the situation is irreversible for the petitioners as they are now in settled habitation and hence it is necessary to direct the Respondents either to cancel or shift or utilize the said site for other public purpose.
33. The Petitioners submit that there is no public objections were invited by the authorities at the time of sanctioning the plan or to take review of the situation, whether the Cremation Center is required in the said area or not and what is the present position.
34. The Petitioners submit that the Respondent Authority communicated on 15.01.2019 to the Petitioner No. 2 that "*the request made by the Petitioner cannot be accepted*". True copy of

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the letter dated 15.01.2019 is enclosed to the memo of this petition and is marked as EXHIBIT-B mentioned supra. True copy of the correspondence made by the Petitioner with the respondents is enclosed to the memo of this petition and is marked as EXHIBIT-J.

35. The Petitioners submit that thereafter the Petitioners and members of the met the Respondents and requested to change the decision. The Petitioners submit that there after due to COVID-19 infection the State and Central Government declared lock down. The Petitioners submit that in second week of June 2020 again the Respondents visited the said site and decided to start the work. Hence the Petitioners are approaching this Honorable Court thereby opposing the construction of Cremation Center in Sector 32A, Ravet Pradhikaran and are approaching this Honorable Court under Article 226 of the Constitution of India 1950 on following amongst other grounds which grounds are taken without prejudice to each other.

#### GROUND OF OBJECTION

1. The Petitioners submit that the development of Crematorium in Sector 32 A is arbitrary in nature, illegal and bad in law.
2. The Petitioners submit that the Respondents i.e. PCNDTA authorities have granted plans for residential buildings adjoining to the proposed crematorium and in the vicinity of 32 Meters i.e. 100 feet approximately from the proposed Crematorium itself shows that it is not practicable to develop crematorium in that area. The Petitioner submits once the plans of residential buildings of the Petitioner Societies are sanctioned then there is a legitimate expectation on the part of the Petitioners that no any other activity or development will be carried out adjacent to the residential buildings which is injurious and contrary to the residential use.
3. The Petitioners submit that the Respondent Authorities are estopped to develop the crematorium adjacent to the buildings of

the Petitioners and it is not fair and equitable on the part of the authorities and it is illegal.

4. The Petitioners submit that the Petitioner invites kind attention of this Honorable Court to the Google Map. The Petitioners submit that from the said map, it is clear that the Cremation Center is adjoining and abutting to residential premises as well as the commercial premises. Color copies of the photographs of buildings and societies as well as the commercial premises are collectively enclosed to the memo of this petition and is marked as EXHIBIT-K.
5. The Petitioners submit that it is clear that within a vicinity of 100 feet from the residential premises of the petitioner, the Cremation Center is being constructed. The Petitioners submit that there is only one road going to the proposed Cremation Center and the societies. The Petitioners submit that it will result in traffic jams on the said road and all the vehicles of relatives of the dead person, ambulances and the vehicles of the person who are staying in the petitioners societies, school buses will go through the same road.
6. The Petitioners submit that the Authorities have admitted that separate access is no separate access to the crematorium and then also the construction of crematorium started. This shows non application of mind and it is not feasible and not practicable to develop the crematorium when there is only one access.
7. The Petitioners submit that the process of corpse cremation generates numerous harmful air pollution including particular matter (PM), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides(NO<sub>2</sub>), volatile organic compounds and heavy metals. These pollutants could have severe effects on the surrounding environment and human health.
8. The Petitioners submit that the crematorium is on the east side of the residential buildings of the Petitioners and when wind flows from east and then the smoke and injurious gases will spread in the residential buildings.

9. The Petitioners submit that the Commissioner of the Respondent Corporation assured and agreed for cancellation of the crematorium in Sector 32A. The news item was published in the news paper regarding cancellation of the crematorium. The copy of the news item of cancellation of Crematorium is enclosed herewith and is marked as EXHIBIT-L.
10. The Petitioners submit that most of the crematoriums are on the bank of the rivers and in the blue line. The Petitioners submit that after taking requisite permissions, the crematorium can be constructed in the blue line. As per the Hindu mythology, the last rites are always done on the bank of the river. The Petitioners submit that the Respondents have nowhere come with the stand that they tried to take the permission to develop crematorium in the blue zone or they made any effort to find other suitable place for crematorium. In the first instance there is no need of crematorium as already there are six crematoriums in the nearby area. That it is possible to develop crematorium in blue line. The Petitioners submit that hence the reason of alternate lands are in the blue zone is false reason given by the Respondent and not tenable in the eyes of law.
11. The Petitioners submit that the Petitioners properties are the residential properties and abutting to the said Cremation center and the smell as well as the smoke coming out of the corpse will be spread in the residential premises as well as in the societies as per the direction of the wind.
12. The Petitioners submit that the right to life includes to live and prosper in decent and dignified environment and hence it is violative of fundamental rights of the members of the Petitioners and the Petitioners. The Petitioners submit that hence in the facts of circumstances Cremation Center cannot be constructed at the site which is abutting or adjoining to the residential premises.
13. The Petitioners submit that the said alleged reservation remained in dormant for more than 25 years and it has lost its significance and

utility due to the intervening circumstances as well as the steps taken by the Respondents themselves to develop the area around the said reservation for residential and commercial purpose.

14. The Petitioners submit that hence that this Honorable Court be pleased to direct the Respondents Authority thereby to shift the location of the Cremation Center or to cancel the said Cremation Center as already there are alternate Cremation Centers are available.
15. The Petitioners submit that the reservation No. 546 in the Development Plan of the Respondent No. 1 is for public utility and not only for crematorium. Considering the changed position that the Respondent No. 1 can utilize the said site for other public utility service like police station, sports ground etc. In fact the Authorities also agreed to utilize the said site for other utility services.
16. The Petitioners submit that the Respondents have started developing the crematorium with a malafide intention and to frustrate the objection raised by the Petitioners. The Petitioners raised the objection in the month of December 2018 and the Respondent No. 1 sanctioned the development plan on 5<sup>th</sup> January 2019 hurriedly and that shows the malafide intention on the part of the Respondents.
17. The Petitioners submit that as stated above there is completely non application of mind and the decision of the sanctioning the plan there by allowed the Cremation Center in Sector 32A of the Ravet Pradhikaran is arbitrary in nature as well as without application of mind.
18. The Petitioners submit that the PCMC is not the competent authority. The Petitioners submit that the said authority has no jurisdiction in respect of the construction of the Cremation Center. The Petitioners submit that hence on this ground also the constructions which is made by the Respondent No. 1 is ultra virus and without jurisdiction. Hence it is necessary to direct the

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Respondent No. 1 Authority may not make the construction of the Cremation Center and may not allow to use the said Cremation Center.

19. The Petitioners submit that the Petitioner also demonstrate that the environmental norms which is required for the purpose of following the Cremation Centers are not followed.
20. The Petitioners submit that as per the Development Control Regulations of the Respondent No. 1 it is necessary to built boundary wall of 8 meters around the cremation center. Admittedly, the Respondents have decided not to construct the boundary wall of 8 meters and they proposed to plant trees in lieu of the boundary wall. The Petitioners submit that hence the construction being carried out of Crematorium is contrary to the Development Control Rules and hence is illegal and contrary to the law and hence it is necessary to stay the further construction and any development of the crematorium in Sector No. 32 A.
21. The Petitioners submit that the following are the reasons that how the grossly the Respondents have violated the said norms.
22. The Petitioners submit the local residents are opposing the development of the crematorium and they have made various agitations. The copies of the newspaper items is enclosed herewith and is marked as EXHIBIT-M.

Hence, this Writ Petition.

#### CONCLUDING PARAGRAPHS

1. Proper Court fees stamp is paid.
2. The Cause of action has arisen in District Pune viz. within the extraordinary territorial Jurisdiction of this Honourable Court. Hence this Honourable Court has jurisdiction to try, entertain and decide this petition.

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3. The Petitioners have not preferred any other Writ Petition, appeal or application, either in this Honourable Court or any other court on in the Honourable Supreme Court of India, in respect of this cause of action. The Petitioners have filed proceeding before the National Green Tribunal in respect of issues arising out of pollution.
4. The Petitioners have not received any Notice regarding the Caveat Application in respect of the impugned Judgment and Order.
5. The Petitioners submit that there after due to COVID-19 infection the State and Central Government declared lock down in the month of March 2020. The Petitioners submit that in last week of June 2020 again the Respondents visited the said site and decided to start the work. The Petitioners and the members of the Petitioners made various meetings with the Respondents and their officers. Though they are agree with the grievances of the Petitioners but not ready to shift /cancel or change the location of the Cremation Centre. The Petitioners meantime also approached to the National Green Tribunal in respect of environmental issues. The Petitioners thereafter consulted with Advocate. Thereafter the Petitioners collected the necessary documents and decided to file this petition. Taking into consideration the time required for this, the Petitioners are approaching this Honourable Court without any latches or negligence on their part. Hence this petition is filed within the period of limitation.
6. The National Green Tribunal has no jurisdiction to cancel or shift the reservation; therefore except this Writ Petition there is no other alternative and efficacious remedy available to the Petitioners. Hence this petition is maintainable.
7. The Petitioners are undertakes to give the English translation of Marathi documents when so required by the Honourable Court.

PRAYERS

THE PETITIONERS THEREFORE RESPECTFULLY PRAYS AS UNDER:

- [A] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, thereby direct the Respondent No. 1 to cancel/shift the reservation No. 546 at Sector 32A, Ravet Pradhikaran, Pune and be pleased to direct the Respondents not to construct the Cremation Center at Sector 32A, Ravet Pradhikaran, Pune.
- [B] Alternatively, that this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, thereby direct the Respondent No. 1 to use the reservation No. 546 at Sector 32A, Ravet Pradhikaran, Pune for public utility other than the Crematorium.
- [C] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, thereby be pleased to quash and set aside the building plan sanctioned on 5<sup>th</sup> January 2019 by the Respondent No. 1 for development of crematorium at Sector 32A, Ravet Pradhikaran, Pune.
- [D] That during the pendency of this petition that this Honorable Court be pleased to direct the Respondents not to make any construction of Cremation Center in Sector 32A, Ravet Pradhikaran, Pune and may direct not to use the said site for Cremation Center.
- [E] Ad interim relief in terms of prayer Clause (B) be awarded in favour of the Petitioners.
- [F] That the costs of this Writ petition be awarded in favour of

Petitioners against Respondent, by this Honourable Court.

[G] For such other orders as justice and convenience may demand from time to time be passed in favour of the Petitioners by this Honourable Court.

AND FOR THIS ACT OF KINDNESS THE ABOVE NAMED PETITIONERS SHALL DUTY BOUND EVER PRAY

  
SUGANDH DESHMUKH  
ADVOCATE FOR THE PETITIONERS

BOMBAY

/ 2021.

VERIFICATION

I, Vishal Jagtap, Age adult, Occ- being the Secretary/ President of Harmony Society, having address at, Plot No. LC/1/3, Bhondve Corner, Sector 32A, Ravet Pradhikaran, Pune - 412101, being the above-named Petitioner do hereby state on solemn affirmation that I am the Petitioner in this Writ Petition and that I have carefully gone through the memo of this Writ Petition and annexure annexed thereto. I say that the contents of the memo of this Writ Petition are true to the best of my personal knowledge and the legal submissions made therein are true to the best of my personal belief which belief is based upon the legal instructions and advice given to me by my Advocate which I believe to be correct. I also state on oath that the Annexures which are annexed to the memo of this Petition have been personally checked by me and that they are true copies of the original documents, and I state on the affidavit accordingly.

I say that, the paragraphs which are true to the best of my knowledge, are shown in [a] below, the paragraphs which are true to the best of my belief, are shown in clause [b] below and the paragraphs which are true to the best of my belief, which belief is based upon the legal instruction and advice given to me by my Advocate are shown in clause [c] below.

[a] Para No.[1] to [ ] of the Facts of Petition.

[b] Para No.[ ] to [ ] of Grounds of Objections.

[c] Para No.[ ] to [ ] of Concluding Paragraphs.

[d] Para No.[A] to [ ] of Prayer clause.

Solemnly affirmed at \_\_\_\_\_ on this \_\_\_\_\_ Day of \_\_\_\_\_ 2021.

*Jagdeep*  
AFFIANT

Vishal Subhash  
*Jagdeep*

I KNOW THE AFFIANT

*Jain*

(ADVOCATE)  
(Abhy D. Jain)  
DI270  
SD10202009



BEFORE ME

*Sudhir S. Sonawane*  
SUDHIR S. SONAWANE  
NOTARY, GOVT. OF INDIA  
PUNE

6 JUL 2021

