

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4257 OF 2011

Afzal Ahmed Moulvi Mohammed Usman. .. Petitioner
Vs
Director of Town Planning and Others. .. Respondents
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Shri C.G. Gavnekar for the Petitioner.
Shri V.S. Gokhale, AGP for the Respondent Nos.1 to 5.
Shri Shriniwas S. Patwardhan for Respondent No.6.
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CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ
DATED : 26TH JUNE 2015

ORAL JUDGMENT (PER A.S.OKA, J)

. Heard learned counsel appearing for the Petitioner and the learned counsel appearing for the sixth Respondent as well as the learned AGP for the first to fifth Respondents.

2. This Petition is based on the notice dated 21st January 2010 issued under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the MRTP Act”). This notice is based on the reservation in the sanctioned Development Plan which came into force on 15th April 1986. Subsequently, second revised Draft Development Plan has come into force on 12th October 2009 under which the said land of the Petitioner is shown reserved for various public purposes. The notice has been issued on 21st January 2010 i.e.

before the completion of the mandatory period of 10 years from 12th October 2009. Therefore, the notice is premature and no relief can be granted on the basis of the said notice. The Petition is, accordingly, rejected. The Rule is discharged.

3. It is obvious that after completion of mandatory period of 10 years, it will be open for the Petitioner to serve a fresh notice under Section 127 of the MRTP Act.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)