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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5123 OF 2011**

Smt. Anuradha Shamrao Pawar

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. M.N. Sandhyanshiv, for the Petitioner.

Mr. V.S. Gokhale, AGP, for the Respondent Nos.1 and 2.

Mr. Gaurav Gaikwad i/by Mr. S.S. Patwardhan, for Respondent No.3.

**CORAM : A.S. OKA &
K.R. SHRIRAM, JJ.**

DATE : 19th AUGUST, 2015

PC.

. Heard the learned counsel appearing for the Petitioner. Revised Development Plan for the city of Malegaon was sanctioned by the State Government on 15th September, 2006 in exercise of powers under Section 31 read with Section 38 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the MRTP Act”). The Revised Development Plan came into force on 1st November, 2006. On 8th March, 2008, the Advocate for the original Petitioner purported to serve a notice under Section 127 of the MRTP Act.

2. The notice could have been served only after expiry of a period of 10 years from 1st November, 2006. The Petition is based on the said notice. As the notice itself was premature, no relief can be granted in this Petition.

3. Accordingly, the Petition is rejected. We, however, make it clear that after expiry of the statutory period of 10 years, it will be open for the Petitioner to serve a fresh notice under Section 127 of the MRTP Act.

(K.R. SHRIRAM, J)

(A.S. OKA, J)