

Hvn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5599 OF 2013

RNA Corp Private Limited ..Petitioner.
V/s.
State of Maharashtra and Ors. ..Respondents

Ms. Chaitrika Patki I/by Vidhi Partners for the petitioner.

Mr. V.P. Malvankar, AGP "A" Panel for the respondent no. 1.

Ms. Kiran Bagalia with Ms. Nirja Patni for the respondent nos. 2 and 3.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.
DATED : 21st OCTOBER, 2015**

P.C. :-

1. Heard the learned counsel for the petitioner. The challenge in this petition is to the order of the second respondent refusing to grant permission to the petitioner for implementing the Rental Housing Scheme. Our attention is invited to the notification dated 7th August, 2014 issued by the Urban Development Department of the State Government by which in exercise of powers under section 37(1AA)(c) of the Maharashtra Regional and Town Planning Act, 1966, the State Government has sanctioned the Regulations for Affordable

Housing Scheme as per the schedule appended to the said notification. Necessary direction has been issued by the State Government to modify the Development Control Regulations of various planning authorities accordingly.

2. If according to the case of the petitioner, the said notification is not applicable to the area within which the property of the petitioner is situated, the remedy of the petitioner is to make appropriate representation to the State Government inasmuch as unless the relevant Development Control Regulations permit the implementation of the Rental Housing Scheme or the Affordable Housing Scheme, such a scheme cannot be implemented.

3. Subject to whatever stated above, the petition stands disposed of. All contentions of the petitioner are kept open.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)