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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1964 OF 2014**

Newandram Morandmal Budhwani

... Petitioner

Vs.

Vita Municipal Council and Anr.

... Respondents

Mr. Umesh R. Mankapure, for Petitioner.

Mr. Nandu Vishnu Pawar, for Respondent No.1.

Mrs. M.P. Thakur, AGP, for Respondent No.2.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 21st JANUARY, 2015

PC.

. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the first Respondent – Municipal Council. The Petition is based on a notice dated 25th September, 2012 served by the Advocate for the Petitioner on the Chief Officer of the first Respondent. The notice purports to be a notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the said Act”). The learned counsel appearing for the first Respondent states that in the revised development plan which is sanctioned under Sub-Section (1) of Section 31 of the MRTP Act on 31st August, 2009, the land of the Petitioner described in the said notice has been affected by a

reservation. He has produced for perusal of the Court, the extract of the sanctioned revised development plan and a copy of notification dated 31st August, 2009.

2. On instructions, he states that in the sanctioned development plan of the year 1986 which was in force till 31st August, 2009, the land of the Petitioner described in the said notice was not affected by any reservation or designation. We accept the said statement.

3. Hence, there is no reason to entertain this Petition. It is obvious that on the basis of the development plan sanctioned on 31st August, 2009 which was brought into force on 30th October, 2009, a notice under Section 127 of the MRTP Act could not have been issued.

4. By accepting the aforesaid statements, we dispose of the Petition.

(A.K. MENON, J)

(A.S.OKA, J)