

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

WRIT PETITION NO. 10209 OF 2014

Kaluram Maruti Dange

.. Petitioner

Vs.

The Special Land Acquisition
Officer No.24, Pune & Ors.

.. Respondents

Mr.P.B. Shah i/b Mr.Kayval P. Shah for petitioner.

Mr.A.I. Patel, AGP for resplendent nos.1, 2 and 3.

Mr. Vijay D. Patil for resplendent no. 4.

Mr.Deepak Ravindra More, for resplendent no.5.

**CORAM : A.S. OKA,
V.L. ACHLIYA, JJ.**

DATED : 1ST SEPTEMBER, 2015

P.C.

1 Heard the learned counsel appearing for the parties.

2 The lands subject matter of this petition are the same as the lands subject matter of the writ petition no.10507 of 2012. The grievance in this petition under Article 226 of the Constitution of India is as regards the communication issued by the Pimpri Chinchwad Municipal Corporation dated 10.11.2013 which is at Exh.'F' to the petition. The petitioner applied for grant of revised development permission on 5.12.2012.

3 By the impugned communication, the petitioner was informed that there is a Stop Work Notice issued by the Pimpri Chinchawad Navnagar Vikas Pradhikaran on 12.10.2012 and there is an interim order passed by this Court in writ petition no.10507 of 2012. By the impugned communication, the petitioner was informed that in view of the Stop Work Notice and the interim order passed by this Court, the application for grant of revised permission stands rejected.

4 Today, we have disposed of companion writ petition and have granted liberty to the petitioner to make a fresh application for grant of fresh development permission. In view of the liberty granted to the petitioner in the companion writ petition to make an application for grant of a fresh development permission, it is not necessary to entertain this petition. Moreover, against the impugned communication, a remedy of preferring an Appeal was available to the petitioner under Section 47 of the Maharashtra Regional and Town Planning Act, 1967.

5 Hence in view of the order passed today in writ petition no.10507 of 2012, the petition is disposed of. We make it clear if in terms of the order passed in the said companion writ petition if an application is made for grant of fresh development permission, the concerned planning authority shall

decide the same independently and without being influenced by the impugned communication dated 12.02.2013.

6 Parties to act on an authenticated copy of this order.

(V.L. ACHLIYA, J.)

(A. S. OKA, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgement/Order.