

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

WRIT PETITION NO. 3591 OF 2014

1. Santosh Tanaji Walake .. Petitioner
Vs.
1. Pimpri Chinchwad Municipal & Ors. .. Respondents

Mr.Mr.Rakesh Sharad Patil for petitioner.

**CORAM : A.S. OKA,
K.R. SHRIRAM, JJ.
DATED : 25TH AUGUST, 2015**

P.C.

1 Heard the learned counsel appearing for the petitioner. The substantive prayer clause (a) of this petition reads thus :

(a) This Hon'ble Court be pleased to issue a Writ of Certiorari or any other Writ, order or direction in the nature of Writ of Certiorari and continue the reservation as per the Lay-out plan.

2 The petitioner is relying upon the lay-out plan a copy of which is annexed as Exh.'B' to the petition. The petitioner is not relying upon any reservation under any plan under the Maharashtra Regional and Town Planning Act, 1966. From the copy of the plaint at Exh.'B', it appears that a larger land has been divided into small plots. If the lay-out plan at Exh.'B' has been duly approved by the competent authority under the Maharashtra Land Revenue Code, 1966 and if according to the case of the petitioner, any

construction activity has been commenced in the breach of what is provided in the sanctioned lay-out plan, the remedy of the petitioner is to approach the competent authority under the Maharashtra Land Revenue Code, 1966. Therefore, we decline to entertain this petition. However, we grant liberty to the petitioner to make a representation to the competent authority under the Maharashtra Land Revenue Code, 1966 which is empowered to grant approval to the lay-out plan.

3 The petition is rejected. All contentions on merits are kept open.

(K.R. SHRIRAM, J.)

(A. S. OKA, J.)