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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1643 OF 2008

Devkinandan J. Gupta

... Petitioner

Vs.

State of Maharashtra and Ors.

... Respondents

Mr. Jitendra Jain a/w Ms. Tanmayee Salekar i/by Shah & Sanghavi, for the Petitioner.

Mr. A.B. Ketkar, AGP, for the Respondent No.1.

Mr. Vinod Mahadik, for the Respondent No.2 – BMC.

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

DATE : 11th MARCH, 2015

PC.

. It is not in dispute that the facts of this Petition are similar to the facts of the case in Writ Petition No.1641 of 2008.

2. Hence, for the reasons recorded in separate Judgment delivered today in Writ Petition No.1641 of 2008, we pass the following order :-

ORDER

- (i) Rule is made absolute in terms of prayer clause (a) subject to modification that the plot of land in question

shall become available to the owners thereof for the purposes of development as otherwise permissible in case of adjacent land under the relevant sanctioned development plan;

- (ii) We direct the State Government to issue notification under Sub-Section (2) of Section 127 of the MRTP Act within a period of three months. The Petition is disposed of on above terms. There will be no order as to costs.

(A.K. MENON, J)

(A.S. OKA, J)