

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4361/2015

(PRAKASH CHANDRABHAN THAKRE & OTHERS **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Alok Daga, counsel for the petitioners.
Shri D.M. Kale, A.G.P. for the R-1, 3 & 5.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : AUGUST 28, 2015.

By this petition, the petitioners seek a direction to the respondent no.2-Nagpur Improvement Trust and the respondent no.3-Town Planning Officer, Nagpur to forward the objection of the petitioners dated 11.03.2015 and suggestion dated 06.04.2015 to the Planning Committee constituted as per Section 28 of the Maharashtra Regional and Town Planning Act, 1966. The petitioners seek a direction to the Planning Committee to grant personal hearing to the petitioners.

According to the petitioners, though in view of the provisions of Section 28 of the Act of 1966, the objections of the petitioners to the Draft Development Plan were required to be heard and forwarded by the Planning Authority to the Planning Committee, the said exercise has not been done.

On hearing the learned counsel for the petitioners and the learned Assistant Government Pleader appearing on behalf of the State Government and on a perusal of the Act of 1966, it appears that the petition is premature. If the Planning Authority submits a Draft Development Plan under Section 30 of the Act of 1966 without following the procedure prescribed by Section 28 and without hearing the petitioners, the petitioners can as well challenge the action of the Planning Authority. The petitioners

cannot be permitted to seek a direction to the respondent-Planning Authority to send the objections and suggestions of the petitioners to the Planning Committee and to give a reasonable opportunity of hearing to the petitioners, by presupposing that this would not be done.

Since the petition is premature, the same is dismissed with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

APTE