

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

WRIT PETITION NO. 4011 OF 2015

Gram Panchayat Malkapur, Dist. Akola, Through its Sarpanch

-vs-

The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M. D. Lakhey, counsel for the petitioner.
Ms N. P Mehta, AGP for the respondent Nos.1 to 3.

CORAM : SMT. VASANTI A. NAIK &
N.W. SAMBRE, JJ.

DATE : 21.09.2015.

By this petition, the petitioner-Gram Panchayat impugns the Government Resolution, dated 23/04/2012, publishing Akola-Washim Regional Plan (Periphery Plan) under the provisions of the Maharashtra Regional and Town Planning Act, 1966. The petitioner also impugns the communication of the Collector, Akola, dated 25/04/2014 that the permission for construction should be secured from the Collector, in view of the provisions of Section 18 of the Maharashtra Regional and Town Planning Act, 1966. The petitioner impugns the communication, dated 27/04/2015 which provides that no construction could be made without seeking the prior permission of the Collector.

On hearing the learned counsel for the parties and on a perusal of the impugned resolution as well as the communication, dated 27/04/2015, it appears that the relief sought by the petitioner cannot be granted. Admittedly, the petitioner had not raised any objection to the regional development plan of Akola-Washim (Periphery Plan) before it was notified on 23/04/2012. In view of the provisions of Section 18 of the Act of 1966, the respondent-Collector rightly directed that the construction in the periphery of the Municipal Corporation could be made with the permission of the Collector.

Since no ground has been made out by the petitioner for effectively challenging the Government Resolution as also the impugned communication of the Collector, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE