

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5850 OF 2014

(M/s. Smart Infrastructure (Amravati) Pvt. Ltd. Vs. The 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 B. G. Kulkarni, Advocate for the petitioner.
Mr. A. D. Sonak, A.G.P. for respondent Nos. 1 and 4.
Mrs. Bharti Dangre, G.P. for respondent No.5.

**CORAM : SMT. VASANTI A. NAIK AND
A. M. BADAR, JJ.**

DATED : 24th JULY, 2015

By this petition the petitioner seeks a direction to the respondents to issue the Location Clearance Certificate in respect of the proposed project of township, of the petitioner, at village Malegaon, tahsil & district Amravati.

According to the petitioner, the land owners had entered into an agreement of sale and development with the petitioner, in respect of the entire land of village Malegaon. The petitioner had secured the clearance from all the departments including the Forest Department and the petitioner was required to secure the Location Clearance Certificate from the State of Maharashtra. The State Government had directed the respondent Nos. 2 to 4 to submit their report on the proposal of the petitioner for the Location Clearance Certificate. According to the respondent No.2, in the sanctioned development plan of Amravati, village Malegaon was shown to be under reservation for Bird

sanctuary/Regional park. According to the petitioner, since in the development plan of Amravati, village Malegaon was not shown as reserved for a Bird sanctuary/Regional park, the petitioner approached the respondents for clarification of the position. The respondent No.5 clarified that village Malegaon was not reserved for the Bird sanctuary or Regional park and hence the petitioner again approached the respondent No.1 for seeking the Location Clearance Certificate. The petitioner was, however, informed by the impugned communication dated 12/9/2014 that steps under Section 20 of the Maharashtra Regional Town Planning Act, 1966 would be required to be initiated for modification/correction of the development plan of Amravati. The petitioner has challenged the communication dated 12/9/2014 by the instant petition.

The respondents have filed an affidavit-in-reply. It is stated in the affidavit-in-reply filed on behalf of the respondent Nos. 1 to 4 that due to Draftman's error, village Malegaon was shown in the map appended to the sanctioned development plan and due to the said error, village Malegaon was also included in the proposal for Bird sanctuary, Regional park. It is stated in the affidavit-in-reply that the Location Clearance Certificate cannot be issued without the modification of the regional plan, as contemplated by the provisions of Section 20 of the M.R.T.P. Act, 1966. It is further stated that after the correction is made in the regional plan, the proposal of the petitioner for grant of Location

Clearance Certificate would be scrutinized and decided. The learned Government Pleader states that necessary action in respect of modification of the final development plan would be undertaken immediately and the proposed modification, would be made at the earliest.

By accepting the statements made in the affidavit-in-reply as also the statement made by the learned Government Pleader, we dispose of the writ petition with a direction to the State Government to modify and amend the regional development plan in accordance with the statements made in the affidavit-in-reply as early as possible and positively within a period of six months. It is needless to mention that as soon as the development plan is modified the proposal of the petitioner for grant of Location Clearance Certificate should be decided within a period of one month.

Order accordingly. No costs.

JUDGE

JUDGE