

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

WRIT PETITION NO. 6457/2015

(DR.HARISHCHANDRA GOVINDRAO RATHOD & ANR **VERSUS** STATE OF MAHARASHTRA & ORS)

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

Court's or Judge's orders

Shri R.D. Tajne, counsel for the petitioners.
 Shri Nikhil Joshi, A.G.P. for the R-1.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : DECEMBER 01, 2015.

By this petition, the petitioners seek a direction to the respondents to treat the objections filed by the Gram Panchayat, Shirul as the objections of the petitioners with respect to land bearing Survey No.146/2 situated at Mouza Shirul and grant personal hearing to the petitioners.

The Draft Development Plan was published for Nagpur Metro Region on 20.02.2015 and in pursuance thereof, objections were invited from the public at large on or before 26.04.2015. When the Draft Development Plan was published, the petitioners were not the owners of the land in Survey No.146/2 with which they are now concerned. After the last date for filing of the objections expired, the petitioners purchased the land, on 14.07.2015. After the purchase of the land, the petitioners filed the objections to the Draft Development Plan. Though the respondent no.2 gave personal hearing to the other objectors in October-2015, since personal hearing was not afforded to the petitioners, the petitioners have filed the instant petition seeking the aforesaid relief.

It is the case of the petitioners that they are willing to adopt the objections of the Gram Panchayat and, hence, they may be permitted to adopt the same. The petitioners also seek personal hearing.

The relief sought by the petitioners cannot be granted in the circumstances of the case. Admittedly, the petitioners were not the owners of the land on the last date for the filing of the objections on 26.04.2015. The petitioners became the owners of the same on 14.07.2015 and filed their objections. Their objections could not have been entertained as the last date for filing of the objections had expired on 26.04.2015. We do not find any illegality in the action of the respondent no.2 in not affording an opportunity of personal hearing to the petitioners, in the circumstances of the case. Since the petitioners are desirous of raising the same objections that are raised by the Gram Panchayat, Shirul and since the objections of the Gram Panchayat, Shirul are considered and the Gram Panchayat was granted an opportunity of hearing, the petitioners cannot be said to be at a loss.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

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