

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 680 OF 2015
IN WP/6345/2011

SHIVNAGAR HOUSING SOC. THR. CHAIRMAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Hamzakhan I. Pathan.
AGP for Respondent No.1 : Mrs. S.S. Raut.
Advocate for Respondent Nos.2 to 4 : Mr. A. M. Karad.

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CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.

DATE : 22nd FEBRUARY, 2016.

PER COURT:

1] Mr. Pathan, learned counsel submits that reservation of the petitioner has lapsed as per the orders of this Court. Petitioner filed an application seeking permission for development. Same is not considered by the authorities. Same tantamount to violation of the orders of this Court, *interalia*, they are liable for contempt.

2] Mr. Karad, learned counsel submits that the Corporation has given letter to the petitioner to clear the deficiencies and then permission can be granted after the deficiencies in the said letter dated 23.2.2015 are cleared.

3] We have considered the submissions. It appears that this Court vide order dated 24.2.2012, had passed an order allowing the petition of the petitioner in terms of prayer clause (C-1), which reads thus :

“C-1. Hold and declare that no steps having been taken for acquisition within one year as per Section 49, the reservation stands lapsed and the subject land stands released from reservation etc. and has become available for development to petitioner as per Section 49(7) of the Maharashtra Regional Town Planning Act.

4] Perusal of the said order would reveal that the reservation on the land of the petitioner stood lapsed and the land has become available for development to the petitioner as per Section 49(7) of the MRTP Act. No doubt, said land of the petitioner involved in the said writ petition under reservation is now available to the petitioner for development as per the Rules. The sub division of the said land has been made vide order of the City Survey Officer. However, there is nothing on record to show that further steps required for development have been taken. Same is necessary as per the rules and bye-laws. The petitioner has to take steps such as sanction of layout etc. and make payment of such other charges for development as per the rules and bye-laws of the Corporation. It is submitted that same is deposited. The Corporation shall take into consideration the said aspect also. Upon clearing all the deficiencies and complying with all the requirements for grant of development permission, the respondent Corporation shall expeditiously consider the application of the petitioner for development. Contempt petition is accordingly disposed of. No costs.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-