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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9394 OF 2015

Shri Ramesh Kondiram Giranje & Ors. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Santaram A. Tarale for the Petitioners
Mr. V.P. Malvankar AGP 'A' Panel for the Respondent Nos. 1, 3 to 6

**CORAM : A.S.OKA, &
C.V. BHADANG, JJ.
DATE : JANUARY 05, 2016**

PC.:

1. Prayer clause (a) of this petition reads thus:

“That this Hon'ble Court be pleased to issue a Writ of Certiorari and/or any other Writ Order or Direction in the nature of Certiorari calling for the records and proceedings underlying the Respondents Notification dated 15th May 2013 to the extent of the EP No.30 and after perusing the same and making such enquiry and obtaining such explanation from the Respondents as may be deemed fit and proper be pleased to set aside and quash the same”.

2. We have perused the notification dated 15th May, 2013. The notification specifically records that the proposals which are specified in Schedule 'B' have not been sanctioned while sanctioning rest of the draft development plan. The proposal bearing EP No.30 is a part of the schedule B. As the said proposal does not form a part of the sanctioned development plan, at this

stage, it is not possible to entertain this petition under 226 of the Constitution of India. The question of giving sanction to the proposal bearing EP No.30 will be considered by the State Government only after considering the suggestions and objections received from the citizens. Hence, the petition is disposed of. All the contentions are kept open.

2. At this stage, learned Counsel appearing for the petitioner invited our attention to the communication dated 28th July, 2015 **(Exhibit-J)** to the petition. It only records that the measurements shall be carried out for the purpose of acquisition. There is nothing on record to show that acquisition proceedings have been initiated. Hence the petition cannot be entertained on the basis of said letter.

(C.V. BHADANG,J.)

(A.S.OKA,J.)