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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION******WRIT PETITION NO. 2865 OF 2005******Nitin Anant Kshirsagar******....Petitioner******Vs.******State of Maharashtra and Ors.******....Respondents***

Ms. Neeta Solanki i/b. Kiran Jain & Co. for Petitioner

Ms. G.R. Shastri -AGP for the Respondent -State

CORAM : V. M. KANADE &***Ms. NUTAN D. SARDESSAI, JJ.******DATE : NOVEMBER 21, 2016*****P.C. :**

1. By this petition, which is filed under Article 226 of the Constitution of India, the Petitioner is seeking the following reliefs:

- a) That a Writ of Mandamus or any other Writ, Order, or direction be issued, ordering and directing the Respondent No.2 not to grant any building permissions for construction of multi storeyed buildings in heritage precincts or after demolishing heritage buildings, which are in violation of DCR 67 (7).
- b) That a Writ of Mandamus or any other Writ, Order, or

direction be issued, ordering and directing the Respondent No.4 to frame guidelines in consultation with the 3rd respondent regarding development work that can be carried out within a heritage building/heritage precinct as provided by development control Regulation 67(7) and till that time the 2nd Respondent should not grant any building permission in violation of DCR 67 (7).

c) That pending the hearing and final disposal of the Petition, the respondent 1,2 and 4 be restrained by an order and injunction of this Honorable Court from granting IOD, CC and/or any other building permissions for constructing multi storeyed buildings in place of heritage buildings or in heritage precincts which are in violation of DCR 67 (7).

d) That pending the hearing and final disposal of the Petition, the respondent No.2 be ordered and directed to issue stop work notices against all the development activities which are going on in heritage precincts and stop all construction activities of multi storeyed buildings in heritage precincts, which are in violation of DCR 67 (7).

e) That ad-interim relief in terms of prayers (c) & (d) be granted.

f) That the cost of the Petition be provided for.

g) Such other and further reliefs be granted as the Court may deem fit to grant.”

2. While granting rule, the Division Bench of this Court was pleased to pass the following order on 8th February, 2006.

“ Heard

2. Rule.

3. Mr. R.M. Sawant, GP, waives service for respondent No.1.

4. Mrs. P.A. Purandare waives respondent for respondent Nos. 2 and 4.

5. Until further orders, the ad-interim order passed by us on 12th January, 2006 directing that the development within heritage precincts shall only be granted in accordance with DCR 67 (7) and the guidelines framed by the Municipal Commissioner in consultation with the Maharashtra Heritage Conservation Committee, if any, shall remain operative.”

3. This order was further confirmed by the order dated 12th January, 2006.

4. In our view, in view of this order, the petition can be disposed of

in terms of orders dated 8th February, 2006 and 12th January, 2006. Writ petition is disposed of. If guidelines are not already framed, the same shall be framed as per the directions given in the order dated 12th January, 2006.

Ms. NUTAN D. SARDESSAI, J.

V.M. KANADE, J.

Vaishali Tikam