

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

WRIT PETITION NO. 2140 OF 2014

Sau. Prabhawatibai Nandkishorji Sarda

-vs-

The State of Maharashtra, Department of Town Planning, Mumbai and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.S.Shingane, counsel for the petitioner.
Mr. N.R.Rode, AGP for the respondent Nos.1 to 4.
Mr. F.T.Mirza, counsel for the respondent No.5.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 08.08.2016.

By this petition, the petitioner seeks a direction to the State Government to approve the resolution of the Municipal Council Anjangaon Surji, dated 09.08.1996.

According to the petitioner, by the resolution of the Municipal Council, Anjangaon Surji, dated 09.08.1996, the width of the D.P.Road was proposed to be shortened from 24 meters to 18 meters. According to the petitioner, the petitioner had applied for permission to convert her land into a layout in the year 1998 and if a direction is issued to the State Government to approve the resolution of the Municipal Council, dated 09.08.1996 for shortening the width of D.P.Road, the petitioner would be benefited.

The relief sought by the petitioner cannot be granted in the circumstances of the case. The resolution is passed in the year 1996. Twenty years have passed by and even from the date of approval of the layout plan of the petitioner more than eighteen years have lapsed. The petitioner cannot, in exercise of the writ jurisdiction seek a direction against the State Government to implement a resolution of the Municipal Council of the year 1996. Both the State Government and the Municipal Council have opposed the prayer made by the petitioner in the instant petition. The case of the petitioner that she

was making representations and hence there is no delay cannot be accepted. It is well settled that mere making of representation would not stop the period of limitation. It would be necessary to refer to the judgments of the Hon'ble Supreme Court, reported in (1995) Supp.4 SCC 593 (Administrator of Union Territory of Daman and Diu v. R. D. Valand), (2009) 3 SCC 281 (Yunus (Babobhai) A. Hamid Padvekar v. State of Maharashtra) and (2006) 4 SCC 322 (Karnataka Power Corpn.Ltd. v. K. Thangappan) in this regard.

Since the relief sought by the petitioner cannot be granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

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