

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

WRIT PETITION NO.3473 OF 2015

Maqusudul Kabir Siddique S/o Mahfuzul Kabir Siddique and ors

..vs..

The State of Mah, thr the Secretary, Urban Development Department, Nagpur and ors

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

Court's or Judge's Order

Shri A.A. Naik, counsel for the petitioners.
Mrs. Hiwase, AGP for R-1, 5 & 6.
Mrs.Bharti Dangre, counsel for R-2 to 4.
Shri Anand Parchure, counsel R-8.
Shri B.G. Kulkarni, counsel R-7.
Shri M.R. Joharapurkar, counsel for R-9.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATED : APRIL 13, 2016.

Heard for some time. Following order is
passed with consent of all parties except State Government.

The question is, whether 12 meters wide
D.P. Road, which starts from Wardha road and goes to
layouts of respondent Nos.7 and 8, affects retainable land of
the petitioners as demarcated in ULC Case No.1203 of
1996.

The respective parties before the Court agree
that the map at page No.39, with the writ petition, is the
map which shows placement of said retainable land and the
lands declared surplus in ULC Case No.1203 of 1996. It is
also not in dispute that on surplus lands, under Section

.....2/-

20(1) of the the Urban Land (Ceiling and Regulation) Act, 1976, a scheme for development on Talegaon Dabhade pattern is already sanctioned.

Today, the parties state that as per the said map at page No.39, the point of origin of 12 meters wide D.P. Road shall first be decided and, thereafter, further steps, in accordance with law, to develop that 12 meters wide D.P. Road would be taken.

The effort of respondent Nos.7 and 8, in the writ petition, is to demonstrate that their layouts have no other roads providing access to Wardha road except the proposed D.P. Road. The petitioners are disputing this. However, we are not required to go into it as the provisions for 12 meters wide D.P. Road in final development plan is not in dispute.

The earlier Civil Application No.2220 of 2015 moved by the applicant in Civil Application No.477 of 2016 is already rejected by this Court on 28.1.2016.

Shri Joharapurkar, learned counsel, has attempted to show that because of respondent Nos.4 and 5 have filed their replies thereafter, there is change in circumstance and hence, second application is maintainable.

The issues, sought to be raised by the applicant, has got no bearing on a provision to be made for

12 meters wide D.P. Road.

As such, in view of the common understanding between the parties, we find that the challenge in the petition is rendered infructuous.

The exercise of determination of point of origin and alignment shall be undertaken in the presence of all interested persons.

Keeping all other rival contentions open for consideration after such alignment is worked out and facts crystalize, we dispose of the writ petition. No costs.

JUDGE

JUDGE

!! BRW !!

...../-