

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

WRIT PETITION NO.5404 OF 2016

[BTB Sabji Bhaji Vyapari Association and one .vs. The State of Maharashtra and one]

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

Court's or Judge's orders

Shri M.P. Khajanchi, counsel for the petitioners,
Shri A.A. Madiwale, AGP for respondent no.1,
Shri S.M. Ghare, counsel for respondent no.2.

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

DATED : NOVEMBER 28, 2016.

By this writ petition, the petitioners seek a direction to the State Government to publish the final development plan with minor modification, as submitted by the respondent no.2- Municipal Council. The petitioners have also challenged the communication of the respondent no.2, dated 30.8.2016 restraining the petitioners to operate on the place earmarked for the vegetable market in the proposed development plan.

When the petition came up for hearing, this Court had, after taking into consideration the fact that the market was operational on the proposed site and the construction was made by the petitioners as per the direction of the Municipal Council, the impugned communication dated 30.8.2016 was stayed.

On the previous date of hearing, we had asked the learned Assistant Government Pleader to make a statement, within what time the State Government would take a decision on the proposal for modification of the development plan.

Shri Madiwale, the learned Assistant Government Pleader appearing on behalf of the State Government states, on instructions, that there are certain discrepancies in the proposal submitted by the Municipal Council and within three months

from the date on which the discrepancies are removed, the State Government would take a decision on the proposal for the modification of the final development plan.

We accept the statement made on behalf of the State Government, which would be binding on it and dispose of the writ petition with a direction to the respondent no.2-Municipal Council to remove the discrepancies within one month. The parties would, however, be free to take appropriate steps against each other in the matter pertaining to the allotment of shops and disputes arising out of the contract executed between them. The interim relief to operate, till the government takes a decision on the proposal for modification of the development plan. The issue in regard to the correctness of the order, dated 30.8.2016 is however kept open. Order accordingly. No costs.

JUDGE

JUDGE