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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.3186 OF 2016**

|                                      |                 |
|--------------------------------------|-----------------|
| Mr. Kashinath Gopal Shinghe and Ors. | ... Petitioners |
| Vs.                                  |                 |
| The State of Maharashtra and Ors.    | ... Respondents |

Mr. Rajesh S. Patil for the Petitioners.  
Mr. Manish M. Pabale, AGP for the Respondent - State.

**CORAM : A.S. OKA &  
SMT. VIBHA KANKANWADI, JJ.**

**DATE : 12<sup>th</sup> JULY, 2017**

**PC.**

1            Heard the learned counsel appearing for the petitioners. The entire Petition proceeds on the footing that in view of the notification issued under Sub-Section (1) of Section 31 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the said Act”) by which a part of the draft development plan was sanctioned, acquisition proceedings have been initiated in respect of the lands claimed by the petitioners.

2            Even assuming that the lands claimed by the petitioners which are subject matter of this Petition have been reserved in

development plan under the said Act for any public purpose, for acquiring the said lands, recourse is required to be taken to Section 126 of the said Act of 1966. There is nothing placed on record to show that recourse has been taken to Section 126 by issuing a declaration either under Sub-Sections (2) or (4) of Section 126. Therefore, the Petition is misconceived which challenges acquisition proceedings.

3                   Hence, we decline to entertain this Petition and the same is rejected. If acquisition proceedings are initiated in future, it will be open for the petitioners to challenge the same in accordance with law.

**(SMT. VIBHA KANKANWADI, J)**

**(A.S. OKA, J)**