

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO.2770 OF 2014

The United Group of Builders & Developers .. Petitioner
Vs
Pen Municipal Council, Pen & Ors. .. Respondents

...

Mr. Shriniwas S. Patwardhan for the Petitioner.
Mr. N. N. Bhadrashete for the Respondent No.1.
Ms. N. M. Mehra, AGP for the Respondent Nos. 2 and 3.

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

DATE : 18/07/2017.

P.C. :

1] Heard the learned counsel appearing for the Petitioner, the learned counsel appearing for the 1st Respondent and the learned AGP for the 2nd Respondent. The Petitioners are claiming to be the owners of the land described in paragraph 2 of the petition. The said lands were subject matter of reservation for primary school, play ground and garden (site Nos. 38 and 39) under the Sanctioned Development Plan of the 1st Respondent. The said Sanction Development Plan had come into force on 1st March 1989 in accordance with Section 31 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the said Act”). This petition is founded on the notice dated 8th August 2012 issued by the Petitioners under Section 127 of the said Act. It is claimed that in view of the failure of the 1st Respondent to take steps within the statutory period, the reservation has lapsed.

2] Today the learned counsel appearing for the 1st Respondent Municipal Council which is the planning authority has tendered across the bar a letter addressed to him by the Chief Officer of the 1st

Respondent which is taken on record and marked as X-1 for identification. It is stated therein that now a Revised Development Plan for the City of Pen has been sanctioned and is brought into force with effect from 23rd March 2017. In the said Revised Sanctioned Development Plan, Site Nos. 38 and 39 have been numbered as Site No. 53 and 54 and that the said said sites are now shown as residential zone. Therefore, the reservation imposed on the said lands of the Petitioners is no more in existence in the Sanction Revised Development Plan. We accept the statements made in the said letter taken on record and marked X-I for identification. In view of the said statements, it is not necessary to entertain this petition. By accepting the statements, the petition is disposed of.

(SMT. VIBHA KANKANWADI, J.)

(A. S. OKA, J.)