

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

WRIT PETITION NO. 2244 OF 2015

Ashok Yenpure and others

... Petitioners

V/s.

Municipal Corporation Pune & Ors.

... Respondents

Mr. Sanjay Gangal for the Petitioner.

Mr. A.P. Kulkarni for the Respondent No.1.

Mr. Manish Pabale, AGP for the Respondent Nos. 3 & 4.

CORAM : A.S.OKA &

SMT. VIBHA KANKANWADI, JJ.

DATE : 07th JULY, 2017

P.C.:

. Heard the learned Counsel appearing for the Petitioner and the learned AGP for the State.

2 From the averments made in the petition, it appears that the Pune Municipal Corporation undertook process of preparation of revised Draft Development Plan in accordance with Section 38 of the Maharashtra Regional and Town Planning Act, 1966. The Draft Revised Plan was published in the year 2013.

3 The challenge in this petition under Article 226 of the Constitution of India is to the certain steps which are taken by the Municipal Corporation of obtaining reports. The first prayer is for preventing the Pune Municipal Corporation from taking into consideration the said reports. The second prayer is for directing the

State Government to take action under Section 162 of the Maharashtra Regional and Town Planning Act, 1966. The third and last substantive prayer relates to the Reports which are subject matter of prayer clause (a).

4 Paragraph 2 of the affidavit of Shri.Prakash Bhukte, Joint Director of Town Planning, Pune Division, Pune, reads thus:

“2 I say that as the Planning Authority i.e. the Pune Municipal Corporation had failed to submit the Draft Development Plan of the old limit of Pune Municipal Corporation to the Government under Section 30 of the Maharashtra Regional and Town Planning Act, 1966, the Government vide order No. TPS-1815/CR-69/15/UD-13, dated 27/03/2015 appointed Committee under Section 162 of the said Act to perform all the duties of Planning Authority and submit the said Draft Development Plan under Section 30 of the said Act to the Government for sanction. Accordingly, the said Draft Development Plan has been submitted to the Government for sanction on 26/09/2015.”

5 We accept the aforesaid statement made on behalf of the State Government. In view of this statement, it is not necessary to entertain this petition under Article 226 of the Constitution of India. The Committee appointed under Section 162 of the Maharashtra Regional and Town Planning Act, 1966 has now submitted Draft Development Plan to the State Government of sanction.

6 If the Petitioner is aggrieved by any part of the Development Plan, which may be eventually sanctioned, the Petitioner can always adopt an appropriate proceedings in accordance with law.

7 Subject to what is observed above, the Writ Petition is disposed of.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)