

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4979 OF 2015

AMS Associate. .. Petitioner

Vs

State of Maharashtra and Others. .. Respondents

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Shri A.V.Anturkar, Senior Advocate i/b Shri Sugandh B. Deshmukh for the Petitioner.

Ms.N.M. Mehra, AGP for the Respondent Nos.1 and 2.

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

DATED : 1ST JULY 2017

PC.

1. The learned senior counsel appearing for the Petitioner on instructions of the Petitioner states that without prejudice to the rights and contentions of the Petitioner of prosecuting the pending Appeal before the State Government, the Petitioner will make a fresh Application for grant of development permission under Section 44 of the Maharashtra Regional and Town Planning Act, 1966. He states that while making a fresh application, the Petitioner will rely upon the Corrigendum dated 28th February 2013 a copy of which has been annexed at Exhibit-I to the Petition.

2. In view of the aforesaid statement, we dispose of the Petition by passing the following order:

ORDER :

- (a) It will be open for the Petitioner to make an Application under Section 44 of the Maharashtra Regional and Town Planning Act, 1966 to the Planning Authority for grant of development permission. It will be also open for the Petitioner to rely upon the aforesaid Corrigendum dated 28th February 2013;
- (b) If such Application is made, the Planning Authority shall decide the same in accordance with law within the maximum period of 60 days from the date of making an Application;
- (c) We make it clear that it will be open for the Petitioner to make such an Application without prejudice to the rights and contentions of the Petitioner in the pending Appeal before the State Government under Section 47 of the Maharashtra

Regional and Town Planning Act, 1966 and therefore, the said Appeal will have to be decided on its own merits;

- (d) The Petition is, accordingly, disposed of on above terms.

(SMT.VIBHA KANKANWADI, J)

(A.S. OKA, J)