

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5337 OF 2013

|                              |   |             |
|------------------------------|---|-------------|
| Twashtha Kasar Samaj Sanstha | } | Petitioner  |
| versus                       |   |             |
| Pune Municipal Corporation   | } |             |
| and Ors.                     | } | Respondents |

Mr. Tejas Dande with Mr. Bharat Gadhvi  
for the petitioner.

Ms. S. S. Bhende-AGP for State.

Mr. Rajdeep Khadapkar for respondent  
nos. 1 and 2.

CORAM :- DR. MANJULA CHELLUR, C.J. &  
N.M.JAMDAR, J.

DATE :- JUNE 20, 2017

P.C. :-

1. So far as the reservation of the land of the petitioner, which is the subject-matter of the present writ petition, as stated by the learned counsel for the petitioner, there is a proposal for revision of the plan and the matter is at the stage of completion of hearing. In other words, on account of development, which takes place in and around the city as well as by extending the Corporation and municipal limits, it becomes inevitable. The town plan needs to be revised from time to time and such revision is under process. According to the petitioner, there is likelihood of dropping the

land of the petitioner for the purpose for which it was reserved, as reflected in the proposed notification. Unless it becomes a sanctioned plan, the same cannot be taken as finally approved plan. Ultimately, in the finally sanctioned plan, they may proceed with the proposal to drop the reservation, for which it was kept or they may continue the reservation. Depending upon such final decision on the nature and character of reservation of the land of the petitioner, it can always challenge the notification approving the final plan, if it is aggrieved by the same.

2. At this stage, expressing opinion on merits, one way or the other, would not be proper and correct. Therefore, we dispose of the writ petition without expressing our opinion on merits of the case of the petitioner, but we reserve the liberty to the petitioner to challenge once the sanctioned final plan is notified, if it is aggrieved, including the objection raised with regard to section 127 of the Maharashtra Regional and Town Planning Act, 1966.

**(N. M. JAMDAR, J.)**

**(CHIEF JUSTICE)**