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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13399 OF 2016**

Mr. Mukeshkumar V. Shah and Anr.	... Petitioners
Vs.	
The State of Maharashtra and Ors.	... Respondents

Mr. Shivam Nagalia i/by Triyama Legal for the Petitioners.
Mr. Manish M. Pabale, AGP for the Respondent No.1.

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

DATE : 12th JUNE, 2017

PC.

1 The substantive prayers in this Petition under Article 226 of the Constitution of India proceed on the footing that an application made by the petitioners for grant of development permission under Section 45 is pending. However, communication dated 29th February, 2016 addressed to one of the petitioners clearly records that a decision has been taken not to grant development permission to the petitioners until the boundary dispute is resolved.

2 A efficacious remedy of preferring an Appeal against the said decision is available to the petitioners under Section 47 of the

Maharashtra Regional and Town Planning Act, 1966. Moreover, the Civil Suit filed by the petitioners is pending.

3 Therefore, we decline to entertain this Petition under Article 226 of the Constitution of India. Remedy of the petitioners under Section 47 of the MRTP Act, 1966 is kept open. If an Appeal is preferred by the petitioners within a period of one month from today, the Appellate Authority is bound to note that the present Petition was filed by the petitioners on 27th June, 2016 and that the same remained pending till today.

4 All contentions on merits are kept open.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)