

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 2427 OF 2017

**M/s. Bholenath Developers Ltd. & ...Petitioners
Anr.**

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Subit Chakraborty, i/b Vidhi Partners, for the
Petitioners.

Ms. Geeta Shastri, Addl. G.P., for Respondents No.
1, 2 & 8.

Ms. Sheetal Mane, for Respondents No. 3 to 7-
M.C.G.M.

**CORAM : SMT. VASANTI A NAIK AND
RIYAZ I. CHAGLA, JJ.**

DATE : 31 October 2017

ORDER :

The part of the land owned by the
petitioners is earmarked and reserved for the
playground in the final development plan for
Greater Mumbai. The petitioners are ready to
handover the plot of land that is reserved for
playground to the Mumbai Municipal Corporation,
but the application made by the petitioners for
grant of TDR in lieu of the land is not being

processed as the petitioners have not submitted the measurement map of the said land. It appears that the land of the petitioners is measured by the City Survey Officer in the presence of the petitioner and the officers of the Mumbai Municipal Corporation. The City Survey Officer has however, not submitted the report in respect of the measurement of the land. The petitioners are aggrieved by the inaction on the part of the City Survey Officer to furnish the report, as the Mumbai Municipal Corporation is ready to process the application made by the petitioners for grant of TDR and development rights of the land only if the petitioners tender the report-map of the City Survey Officer, showing the exact dimensions of the land reserved for the playground.

Since the prayer made by the petitioners in the instant petition is just and reasonable, we dispose of the writ petition with a direction to the respondent No. 8-City Survey Officer to prepare the report pertaining to the measurement of the land of the petitioners (reserved for the playground) and supply a copy of the same to the petitioners so that the petitioners could tender the same to the Corporation for speedy disposal of the application of the petitioners for grant of TDR and development rights. Even if there is a discrepancy in the area in the original city survey record and the actual measurement carried out by the City Survey Officer, the City Survey Officer may prepare a report as per the actual measurement, so carried out. While disposing of

the writ petition, we also direct the Mumbai Municipal Corporation to decide the application of the petitioners within a period of three months from the date on which the petitioners supply the copy of the report of the City Survey Officer to the Corporation. It is needless to mention that the application of the petitioners for grant of TDR and development rights should be considered by the Corporation in accordance with law. Order accordingly. No costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A NAIK, J.]