

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

PUBLIC INTEREST LITIGATION NO. 85 OF 2018

Ashok Barku Vaity ... Petitioner

V/s.

State of Maharashtra & ors. ... Respondents

Mr. Sachin Chavan for the petitioner.

Mr. R.S. Apte, Sr. advocate a/w. Mr.Mandar Limaye for respondent no.2.

Ms. Kavita N. Solunke, AGP for respondent no.1.

Ms. Aruna Rathi for respondents 3, 4 and 5 present in person.

Mr. D.B. Salunkhe, Asstt. Town Planning present.

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***CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.***

25th July, 2018.

P.C.

Ms.Aruna Rathi appears and submits that she is authorised to represent in person on behalf of respondents 3, 4 and 5. She has approached Registrar for necessary permission under the rules.

2. Mr. Apte, the Counsel appearing for Corporation submits that resolution has been passed on 30th October, 2017 in respect of subject land. Earlier acquisition proceedings adopted by the Corporation has lapsed. The learned Counsel Mr.Apte submits that proposal is yet to be forwarded to the State Government.

3. On behalf of respondents 3, 4 and 5 it is submitted that the petitioner is personally interested in the outcome of the PIL as he is one of the Director of Om Shri Mangal Murti Reality Pvt. Ltd. It is further submitted that in the earlier acquired subject land, the proceedings have been lapsed, therefore, the Corporation has now authority in law to initiate a fresh acquisition proceedings.

4. We do not express any opinion on the issues as to whether steps taken by the Corporation are in accordance with law or not. The Respondents 3 , 4 and 5 may resort to appropriate remedy in respect of resolution passed by the Corporation. All issues on merits are kept open. Public Interest Litigation stands disposed of.

5. It is clarified that we have not addressed any issues raised by the contesting parties in their pleadings or any allegations or contra allegations made by parties.

(G.S.KULKARNI, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.