

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 33 OF 2018
IN
WRIT PETITION NO. 438 OF 2011**

Shri Vikram Gokhale	Applicant
In the matter of	
M/s. Nice Shelters and anr.	Petitioners
Versus	
The State of Maharashtra and ors.	Respondents

Mr. R. S. Apte, senior advocate with Ms. Veena Bhagwat, advocate for the applicant.
Mr. Jennifer Michael along with Ms. Riddhi Rana i/b. Mr. Dhiren H. Shah, advocate for the petitioners.
Mr. Sagar Patil, advocate for the MCGM.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 14th FEBRUARY, 2018.

P. C. :

The chamber summons is taken out by the applicant for intervention in the aforesaid petition.

2. The writ petition is filed seeking declaration that the reservation for “garden” in the subject plot has lapsed by virtue of provisions of Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the MRTP Act”). The question involved in this petition is whether steps to acquire the land is taken by the

Corporation within the statutory period stipulated under Section 127 of the MRTP Act. The petition is already admitted and ready for final hearing.

3. The present applicant is the representative of the residents/citizens/social organizations of Vile Parle. The intervention is sought on the ground that the subject plot is reserved for garden for the benefit and enjoyment of the residents. Since limited issue raised in the petition is about lapsing under Section 127 of the MRTP Act, the present applicant is neither proper nor necessary party. Be that as it may, earlier Kshitij Prathisthan, NGO, had filed chamber summons No.33 of 2013 for intervention in the above petition. The intervention was sought on the ground similar to the one raised in the present chamber summons. The said chamber summons was dismissed by Division Bench of this Court on 15th April, 2013.

4. In the light of the above, we are not inclined to entertain the present chamber summons and the, same is accordingly dismissed.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]