

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL APPELLATE JURISDICTION
WRIT PETITION (L) NO.472 OF 2018**

Swami Samarth Co-operative Housing
Society Ltd.

..Petitioner

vs.

State of Maharashtra and Anr.

...Respondents

Mr. Nachiket D. Jaywant for the Petitioner.

Mr. Milind More, Addl. G.P. for the Respondent No.1.

Ms. Shital Mane for the Respondent-BMC.

CORAM : A.S. OKA & P. N. DESHMUKH, JJ.

DATE : 15th FEBRUARY, 2018

P.C.:

. Not on board. Taken on board.

2. The challenge in this petition under Article 226 of the Constitution of India is to the Resolution passed on 31st July 2017 proposing certain changes in the revised draft Development Plan-2034. It is an admitted position that the State Government has not sanctioned the said plan by exercising the power under section 31 of the Maharashtra Regional and Town Planning Act, 1966.

3. The plan which is submitted by the Respondent No.2 is only a draft and the final decision vests in the State Government. The State Government is not bound to sanction the draft plan as it is. It can always make modifications. Therefore, at this stage, this petition under Article 226 of the Constitution of India need not be entertained and the same is disposed of. However, we grant liberty to file a fresh petition in case he is aggrieved by any portion of the sanctioned revised Development Plan-2034. All contentions of the parties are kept open.

(P.N. DESHMUKH, J)

(A.S. OKA, J.)