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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1117 OF 2018**

Shri Jadhav Yuvraj Balu and Ors.

... Petitioners

Vs.

The State of Maharashtra and Ors.

... Respondents

Mr. A.G. Damle, Senior Counsel a/w Mr. Yuvraj D. Patil for the Petitioners.

Mr. L.T. Satelkar, AGP for the Respondent – State.

Ms. Shital Mane for the Respondent – BMC.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 8th JUNE, 2018

PC.

1 There are only two substantive reliefs sought in this petition which are prayer clauses (a) and (b). As far as prayer clause (a) is concerned, it is not the case of the petitioners that a scheme under Regulation No.33(10) of the Development Control Regulation, 1991 has been sanctioned. Therefore, there is no occasion as of today to consider prayer clause (a). As far as prayer clause (b) is concerned, today the petitioners are in possession of the premises. The learned senior counsel appearing for the petitioners states that the third respondent has issued notices to the petitioners under Section 314 of the Mumbai Municipal

Corporation Act, 1888 and the petitioners have already filed suits challenging the said notices. Therefore, in this petition, there is no occasion to consider prayer clause (b).

2 If according to the case of the petitioners, they cannot be dispossessed without allotting them PAP tenements, it is for the petitioners to raise the contentions in the pending proceedings. Subject to what is observed above, at this stage, it is not necessary to entertain this writ petition under Article 226 of the Constitution of India and accordingly the same is dismissed.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)