

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAO NO. 752/2018
IN
MCA (St) NO. 8971/2018
IN
PIL NO. 23/2016

Atharva Enclave, Near Zilla Parishad School
 ..VS..
 State of Maharashtra & ors.

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri A. Subhan, Advocate for the applicant/petitioner
 Ms. H.N. Prabhu, AGP for the non-applicant/respondent nos. 1 and 2

CORAM : B.P. DHARMADHIKARI AND
MANISH PITALE, JJ.
DATED : 22/06/2018

1] Prayer is to condone the delay of 43 days in filing M.C.A. (St.) No. 8971/2018. As learned AGP has appeared for respondent nos. 1 and 2 before issuing notice on other respondents, we have attempted to find out whether there is any case for review.

2] Prayer for review is based upon communication dated 05/04/2018 received from Nagpur Municipal Corporation. It is reply to queries made by applicant/petitioner under Right to Information Act. The reply shows that development plan is still not final in terms of Section 31 (6) of MRTP Act, 1966. It is further pointed out that objection raised by applicant/petitioner could not have been considered because it was beyond stipulated time as per scheme of Section 26 and other provisions of said Act.

3] Learned advocate for applicant/petitioner submits that in the impugned order, this Court has observed that development plan is final and said land is stipulated as cremation or burial ground. He contends that these observations are incorrect.

4] This Court in para no. 7 observed as under:-

“7] However, it is not in dispute that in Development Plan prepared and finalized in terms of Section 31 of Maharashtra Regional & Town Planning Act, 1966 user of said land is stipulated as cremation/burial ground. In this situation, this Court cannot in this jurisdiction take cognizance of contentions being raised on either side.”

5] At that stage, it was not in dispute that development plan had been finalized and land is earmarked for cremation/burial ground. Even otherwise, reservation as green belt in development plan is not contrary to user to which land is actually put.

6] As we do not see any case for invoking review jurisdiction, we are not issuing notice even on prayer for condonation of delay. Proceedings rejected.

JUDGE

JUDGE