

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 40/2013.

Courts on its own motion.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND Z.A. HAQ, JJ.

DATE : JUNE 06, 2018.

Civil Application (O) No.757/2018.

Heard learned Counsel for the applicant
and parties.

2. Applicant Company appears to be
necessary party for adjudication of the controversy.
Hence, Civil Application is allowed and disposed of.
Applicant be added as respondent no.7. Necessary
amendment be carried out immediately. Shri S.K.
Mishra, learned Senior Counsel with Shri Deogade,
learned Counsel represent the added respondent.

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Civil Application No. 758/2018.

Heard Shri S.K. Mishra, learned Senior Counsel with Shri Deogade, learned counsel for the applicant. Shri P.S. Khubalkar, learned Amicus, Shri Ashirgade, learned Addl.G.P. for respondent nos.1, 4, and 5 Shri G.A. Kunte, learned Counsel for respondent no.2, Shri S.M.Puranik, learned Counsel for respondent no.3.

2. We have perused orders dated 27.03.2018 passed on Civil Application No.592/2018. Though the order permits the development to be undertaken on open spaces in a Development Plan, it does not give any reasons for the same. Open spaces and play grounds form an integral part of development plan and have been recognized as “Lungs of Society”. In this situation, re-location of lungs cannot be an excuse for seeking vacation of interim orders.

3. However, learned Senior Counsel appearing for the applicant Company has invited our attention to the fact that procedure under Section 37 of the Maharashtra Regional Town Planning Act is being followed. Hence, with liberty to the applicant

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Company to approach again after completion of such procedure, we dispose of the present application. No costs.

JUDGE

JUDGE

Rgd.