

27.8.2019

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4297 OF 2018

Shri. Parshuram Ganpati Chavan ...Petitioner

V/s.

The State of Maharashtra and Ors.Respondents

Mr. Dilip B. Shinde, Advocate for the petitioner.

Mr. A.P. Vanarse, APP for respondent no.1.

Mr. N.R. Bubna, Advocate for respondent no.2.

CORAM : B.P. DHARMADHIKARI, &

SANDEEP K. SHINDE, JJ.

Tuesday, 27th August, 2019.

P.C. :

1. Petitioner who has purchased agricultural

land, part of which is reserved under development plan for hospital, appears to be not in a position to develop that site/remaining part as it is reserved for hospital. Prayer therefore is, to direct Municipal Council to demarcate the area reserved for hospital.

2. The learned AGP has filed reply affidavit pointing out that, though petitioner has approached office of Superintendent of Land Records for measurement and demarcation, but in absence of relevant data from Municipal Council, exercise could not be completed.

3. Learned Counsel for Municipal Council submits that, petition is unsustainable.

4. Provisions of Maharashtra Regional and

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Town Planning Act prescribe necessary procedure for this. If petitioner has no objection and is ready and willing to surrender land to Municipal Council for hospital, he can inform Municipal Council accordingly. City Survey Authority can also exercise statutory powers, if they are ready and willing to demarcate the land. In this situation, with liberty to petitioner to take such other steps as are open in law, we dispose of the petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)