

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 5 OF 2009**

Vijay Moreshwar Vengurlekar

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

....

Mr. Siddhesh Pilankar i/b Mr. Uday Warunjikar Advocate for
Petitioner

Mr. M.M. Pabale AGP for Respondent Nos. 1 and 2

Mr. R.S. Datar a/w Mr. Akshay Kandarkar for Respondent
No.3

Mr. Gopalkrishna Nayak i/b Flavia Legal for Respondent Nos.
5, 6 & 8.

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**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATED : SEPTEMBER 11, 2019**

P.C.:

1. The ill-drafted petition makes sense only with reference to the counter affidavit filed. The grievance of the petitioner concerns building constructed on land comprised in City Survey Nos. 5B-1/9, 6B/3, 7B/3, 6B+2D+7B2D.

2. The reply brings out that initially building plans were sanctioned in January 2002. The sanction was renewed and

finally a fresh sanction was accorded to the plans on 19th October 2007. The grievance to the plan being sanctioned on 19th October 2007 is premised on the reading of Sections 45, 47 and 48 of the Maharashtra Regional & Town Planning Act, 1966 which bring out the legal position that an application seeking sanction of a plan if accorded sanction would entitle the person to extension of the period within which the construction has to be effected for a period of three years and if beyond a period of three years, fresh permission has to be obtained. The afore-noted legal position is on account of the fact that from time to time building norms change and three years would be the period for a person to complete construction as per existing norms when sanction was obtained.

3. Thereafter fresh sanction as per existing norms has to be obtained. It is not the case pleaded that whether by way of renewal or fresh sanction granted on 19th October 2007 the Development Control Rules and Regulations have been violated.

4. Thus, we dismiss the petition seeking to espouse a public cause.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE