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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.12 OF 2019 IN
WRIT PETITION NO.9734 OF 2015

Anant Ramchandra Shinde & Ors. ...Petitioners
vs.
Secretary to the Govt.of Maharashtra
and others ...Respondents

Mr.N.V.Vechalekar I/b N.V.Vechalekar & Co. for the
Petitioners

Mr.G.H.Keluskar for the respondent Nos.2 and 3

Mr.Y.S.Khochare, AGP for respondent No.1

CORAM : A.S.OKA, &
SARANG V.KOTWAL, JJ.

DATE : FEBRUARY 15, 2019

P.C.:

1 Heard the learned counsel for the review petitioners. The prayers (b) and (c) which are the only substantive prayers in the writ petition have been quoted in the order dated 18th July 2017 passed in the Writ Petition which is sought to be reviewed. The reasons have been recorded for rejecting the said prayers.

2 The learned counsel for the petitioners submitted that the petitioners had applied for the modification of the sanctioned development plan by taking recourse to sub-section 1 of section 37 of the Maharashtra Regional and Town Planning Act, 1966 (for short "the MRTTP Act") but no action is being

taken. His second submission is based on section 127 of the of the MRTP Act. Both the submissions do not warrant consideration in as much as there is no prayer made in that behalf in the writ petition. If subsequent to filing of the Writ Petition, a cause of action has been arisen for seeking a declaration regarding the release of the subject land from reservation, the petitioner can always adopt appropriate remedy in accordance with law. There is no grievance made in the Writ Petition as regards the failure to take action under sub-section 1 of section 37 of the MRTP Act. Even for that grievance, the petitioner will have to adopt appropriate remedy in accordance with law.

3 Subject to what is observed above, no case is made out for review. The Review Petition is rejected.

(SARANG V.KOTWAL,J.)

(A.S.OKA,J.)