

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.125 OF 2017
IN
PUBLIC INTEREST LITIGATION NO.20 of 2011

M/s. S.B.Associates ... Applicants

In the matter between

Pradeep Vithal Girme ... Petitioner

V/s.

Saswad Municipal Council & ors. ... Respondents

WITH
CIVIL APPLICATION NO.126 OF 2017
IN
PUBLIC INTEREST LITIGATION NO. 162 of 2013

M/s. S.P. Associates ... Applicants

In the matter between

Pradeep Vithal Girme ... Petitioner

V/s.

Saswad Municipal Council & ors. ... Respondents

WITH
CIVIL APPLICATION NO.127 OF 2017
IN
PUBLIC INTEREST LITIGATION NO. 181 of 2010

Mr. Vasant Asalchand Solanki & anr. ... Applicants

In the matter between

Subhash Dattatraya Saste & ors. ... Petitioners

V/s.

State of Maharashtra & ors ... Respondents

Mr.P.B.Shah i/b. Mr.K.P.Shah for applicants in all applications.

Mr. U.P.Warunjikar for original petitioner in PIL 181/2010.

Mr. Nitesh V. Bhutekar for original petitioner in PIL 20/11 and 162/13.

Mr. Shriram Kulkarni a/w. Advocate Devidas Jadhav for Corporation.

Mr. M.M. Pabale, AGP for the State.

**CORAM :NARESH H. PATIL, C.J.
& N.M. JAMDAR, J.**

25th February, 2019.

P.C.

The learned Counsel appearing for the Saswad Municipal Council submits that noticing the serious lapses at the relevant time, the intimation was given to Urban Development Department of the

State Government in respect of role of the then Chief Officer. So far the Counsel has not been instructed to make any statement as to whether further steps/action was taken in respect of the subject matter concerning the officers who were involved in the process to grant certificates like Commencement and any other orders and permissions.

2. The learned AGP shall also take instructions.
3. The present applications are filed seeking modification/vacation of the order passed by this Court dated 21st April, 2014 passed by this Court in respective Public Interest Litigations.
4. The learned Counsel appearing for applicants submitted that after getting permission from the Municipal Council, construction was carried out on the land which was reserved. 14 buildings were constructed and third party rights were created in all buildings except two. The Counsel further submits that as the reservations have now been lifted, the interim relief can be modified so that applicants/developers can take further steps of selling the property.
5. The Counsel appearing for original petitioners has opposed such a relief . In case such a relief is granted, according to Counsel the petitions would become infructuous. A reasoned order has been passed

by this Court and petitions have been admitted.

6. The learned Counsel for the applicants further submits that the earlier regularisation application was rejected and a fresh application for regularisation would be filed. We do not express any opinion on the same.

7. No case is made out to modify the order dated 21st April, 2014. The Civil Applications are rejected.

N.M. JAMDAR, J

CHIEF JUSTICE

L.S. Panjwani, P.S.