

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1452 OF 2019
ALONG WITH
CIVIL APPLICATION NO. 1299 OF 2019

Savitri Bhalchandra Ambhire & Ors. ... Applicants

In the matter between

Ms. Jasmine Nozer Irani
Through her General Power of
Attorney Holder – Pravin Nozer Irani ... Petitioner

Vs

The State of Maharashtra
Through the Department of
Urban Development & Ors. ... Respondents

Mr. P.M. Arjunwadkar, Advocate for the Petitioner.
Mr. Sachin S. Punde, Advocate for the Applicant.
Mr. Y.S. Khochare, AGP for State.

CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE, JJ
DATE : AUGUST 28th, 2019

P.C.:

1. Learned counsel for the petitioner attempts to demonstrate that after long drawn legal battle, which has reached upto Hon'ble Apex Court, at the stage of passing of decree and thereafter at the stage of execution, when eviction from petitioner's property became imminent; Municipal Council with oblique motive is resorting to MRTD Act 1966 and is attempting to fasten the reservation for fish

market upon development plan.

2. Learned counsel for the intervenor, who has moved Civil Application No. 1299 of 2019 has opposed this contention. Learned AGP points out that the Notification proposing reservation appears to have been issued on 04.04.2012 and further steps in the matter are not brought on record.

3. Reservation of a site in development plan and the execution of the decree in his favour by the petitioner are two distinct aspects, not having any bearing on each other.

4. Petitioner has already objected to the proposed reservation and he has not received any intimation about its consideration or rejection. Petitioner has also not placed on record any final development plan under Section 31(6) of MRTP Act pointing out that said reservation has been finally fastened.

5. In this view of matter, we keep the contention of the petitioner open and with liberty to petitioner to approach again if any cause of action arises, we dispose of the petition.

6. Civil Application is disposed of accordingly.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)