

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.1260 OF 2020

Pradeep Purushotum Bagul

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr M.V. Thorat, Advocate for petitioner

Mrs M.V. Deshpande, A.G.P. for respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11th February 2020

ORAL ORDER :

1. Mr Thorat, learned Counsel for petitioner submits that the revision of layout dated 6.3.1997 is improper.

2. Initially, the layout was sanctioned in the year 1992. According to learned counsel, in the sanctioned layout of the year 1992, the open space was of 1857.25 square meters and the colony road area was of 4822.25 square meters. Subsequently, the owner got the layout plan revised on 6.3.1997 reducing the open space to 737.50 square meters and the colony road area to 2228.45 square meters. The petitioner and other persons were misled. The Corporation could not have reduced the open space area and the colony road area. The same affects the rights of the plot holders. The learned Counsel relies on the judgment of Apex Court in the case of **Pt. Chet Ram Vashist (dead) by L.Rs. vs. Municipal Corporation of Delhi**, reported in **AIR 1995 SC 430** and contends that the Corporation does not have any right to change the user of the land which shall be beneficial enjoyment of the residents of the society.

2. The petitioner does not dispute that the petitioner has purchased a plot in the layout in question in February 1998. At that time, the revised layout dated 6.3.1997 was already sanctioned and in force. The petitioner purchased the plot as per the revised layout after one year of the sanction of revised layout. The petitioner cannot now agitate that the revised layout ought not to have been sanctioned. The petitioner has become the owner of the plot pursuant to the revised layout of the year 1997. It is after the sanction of the revised layout on 6.3.1997, the petitioner purchased the plot in February 1998. The petitioner now cannot be heard to make a grievance of the revised layout after twenty two years.

3. The learned Counsel for petitioner submits that the developer has again gone for the revised layout. As far as the fresh revised layout is concerned, if the rights of the petitioner are affected, then the petitioner may agitate his grievance before the appropriate forum in accordance with law.

4. Writ Petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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