

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12134 OF 2018**

Pasku Z. Pinto ... Petitioner
V/s.
Sawantwadi Municipal Council
and Town Planning Authority and ors. ... Respondents

Mr. G.H. Keluskar for the Petitioner.
Mr. Vishwanath Patil for Respondent No.1.
Ms K.N. Solunke, AGP for the Respondent Nos.3 to 6 – State.

**CORAM : B.P. DHARMADHIKARI &
N.R. BORKAR, JJ.
DATE : JANUARY 15, 2020.**

P.C.

1] On 15th October 2019, this Court has passed the following order:

- "1. Nobody for respondents no.1 and 2 though served. AGP appears for respondents no.3 to 6.*
- 2. Challenge is to re-reservation of the site on which reservation had lapsed after order dated 7th July, 2016 of this Court in Writ Petition No. 5568 of 2015.*
- 3. It appears that respondent no.1-Planning Authority has itself requested respondent – State to issue Gazette Notification under Section 127(2) of the Maharashtra Regional Town Planning Act. In this situation, issue fresh notice to respondents no.1 and 2 indicating that Court may dispose off Writ Petition finally on next date if it is otherwise convenient to Court.*
- 4. Notice made returnable on 4th December, 2019."*

2] Today, learned advocate Shri. Vishwanth Patil appearing for respondent No.1 – Planning authority states that the papers were processed earlier. After High Court orders and orders of Hon'ble Apex Court, appropriate amendments have

been made and the property of the petitioner has been excluded from proposed reservation.

3] He has produced before the Court the Notification dated 28th August 2019 and earlier order of State Government dated 25th July 2018.

4] These documents are taken on record as “Exhibit-A” and “Exhibit-B” respectively. Copies thereof are served upon learned counsel for the petitioner.

5] In view of this development, Municipal Council has accepted that there is no refastening of reservation on property of the petitioner and the petitioner is free to develop his property for the purpose for which adjacent unreserved lands can be developed.

6] In view of this position, we dispose of present petition as infructuous.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)