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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14374 OF 2016
WITH
CIVIL APPLICATION NO. 1241 OF 2017

The Poona Farms Pvt. Ltd.

.. Petitioner

Vs.

State of Maharashtra & Anr.

.. Respondents

Mr. Yakshay Chheda, Ms. Devanshi Sethi i/by Lawfin & Associates
for Petitioner.

Mr. Y. S. Khochare, AGP for Respondent Nos.1 & 2.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

JANUARY 17, 2020

P.C.

1. Case pleaded by the Writ Petitioner is that a proposal to lay down a road between Hadapsar and Manjari (Bk) villages came to be altered when final Development Plan came into force with effect from 10.02.1998. It is pleaded that as per the final Development Plan a 12 mtrs. wide road was sanctioned at a different site. Petitioner pleads that Manjari Gram Panchayat passed a resolution accepting the laying of the road at the

alternative site so did the Gram Panchayat of Hadapsar village. The Petitioner states that it repeatedly made representations to the Collector under Section 135 of the Maharashtra Land Revenue Code, 1966, but learned Counsel for the Petitioner is unable to justify as to why such representations were made for the reason the Collector has to act under Section 135 if there is a boundary dispute.

2. There is no boundary dispute.

3. The prayer made in the Writ Petition is that the road which has finally been sanctioned as per the Development Plan and as notified vide notification dated 10.02.1998, be laid.

4. Now, we do not find any averment in the Writ Petition that any Respondent is disputing that the road having width of 12 mtrs. as per said Development Plan would not be laid.

5. Thus, we see no reason for the Petitioner to have filed the instant Petition.

6. The Petitioner ought to take up the matter with such authority which is responsible for laying the road in question and if the said authority refuses to lay the road, the Petitioner may seek remedy as per law.

7. The Writ Petition is dismissed.

8. In view of the dismissal of the Writ Petition, Civil Application No. 1241 of 2017 does not survive and is disposed of as infructuous.

Pravin
D.
Pandit

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE

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by Pravin D.
Pandit
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