

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION Stamp No. 24816 OF 2019

Sanjay Kisan Bagul & AnrPetitioners.

Vs

The Municipal Corporation, Nashik & OrsRespondents.

Mr. Sandip Shinde i/by Ergo Juris for Petitioners.

Mr. R.S. Apte, Senior Counsel a/with V.P. Patankar i/by Patankar & Associates
for Respondent Nos. 1 and 2.

Mrs. M.P. Thakur, AGP for Respondent-State.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATED :- 3rd February, 2020.**

P.C. :-

1. By the above Writ Petition, the Petitioners inter alia seek the
following reliefs :-

(A) That this Court by issuing appropriate writ, direct the respondents to decide expeditiously the representations of the petitioners annexed to this petition at Exhs. 'D' 'E' and 'F.';

(B) That this Court by issuing appropriate writ direct the respondents to grant personal hearing while deciding the representations of the petitioners annexed to this petition at Exhs. 'D' 'E' and 'F.';

(C) That this Court be pleased to direct the respondents authorities to follow the process as is mandated under the Maharashtra Town Planning Act while executing the special town planning scheme (Smart City Project);

(D) That this Court be pleased to direct the respondents not to proceed with the special town planning scheme (Smart City Project) during pendency of decisions with respect to representations made by the petitioners annexed to this petition at Exh. 'D' 'E' and 'F.'; and

(E) Ad-interim reliefs in terms of prayer clause 'D'.

2. The learned Advocate for the Petitioners has tendered a letter dated 23rd October, 2019 issued by the Municipal Commissioner, Nashik Municipal Corporation, wherein after referring to the General Resolution No. 670 dated 9th September, 2019, the Commissioner has stated that under Section 60 (1) of the Maharashtra Regional and Town Planning Act, 1966, he has decided to propose a Special Town Planning Scheme because of which the Corporation will not be able to consider the representation of the Petitioners and it will be the Ministry of

Urban Development Department which will have to consider the representation. The letter dated 23rd October, 2019 is taken on record and marked 'X' for identification.

3. The learned Advocate for the Petitioners therefore seeks to withdraw the above Writ Petition with liberty to file their representation before the Ministry of Urban Development Department. The Writ Petition is therefore disposed off as withdrawn with liberty as sought. All contentions of the parties are kept open.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)