

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2696 OF 2013

M/s. Metro Metal Printers Pvt. Ltd.	
And another	..Petitioners
Versus	
The Union of India and others	..Respondents

Mr. S. N. Nagpurkar i/b. _____ Legal Liaisons for petitioners.
 Mr. S. R. Rajguru a/w. Mr. A. R. Verma, for Respondent No.1.
 Ms. K. H. Mastakar for MCGM.

**CORAM : K. K. TATED &
 SARANG V. KOTWAL, JJ.**
DATED : 02nd MARCH, 2020.

PC :

1. Heard the learned counsel for the parties.
2. By this writ petition under Article 226 of the Constitution of India, the petitioner is seeking direction against the Respondent No.1 Union of India to issue No objection Certificate to the petitioner in view of the guidelines issued by the Ministry of Defence.
3. Learned counsel for the petitioner submits that the petitioner has filed his proposal for sanction with the Corporation to develop the property i.e. Plot bearing CTS No.132 of village Wadhavan at Chakravarti Ashok Road,

Kandivali (E), Mumbai. He submits that the Corporation, by their letter dated 19/10/2012 (Ex-D at page No. 49) directed the petitioner to bring No Objection Certificate from H.E.N.O.C. Hence, he has filed the present writ petition.

4. Learned counsel for the petitioner submits that the Respondent-Corporation has filed its affidavit in reply dated 29/02/2020 stating that, in view of the guidelines issued by the Ministry of Defence dated 21/10/2016 now they do not require any no objection from the Respondent No.1 because the plot in question is beyond 10 meters of the boundaries of Respondent No.1's property. Paragraph Nos.8 and 9 of the said affidavit dated 29/02/2020 read thus:

“8. I say that the proposed industrial building is on plot bearing CTS No.132 of Village Wadhwan, Ashok Nagar, Road No.2, Kandivali (East), Mumbai. The said plot falls at a distance of 350 mtr. Approximately from outer wall of Defence establishment which is more than required 10 mtr. From the outer wall of Defence establishment. As per Guidelines issues by Ministry of Defence under Number F 11026/2/2011/P (Lands) dated 21.10.2016 “No Objection Certificate” from the Local Military Authority (LMA) / Defence establishments is not required considering the distance of the plot

bearing CTS No. 132 of Village Wadhwan at 350 mtr. (approximately) i.e. more than 10m from wall of Defence establishment.

9. I say and submit that a reference has been provide by MCGM to Urban Development Department (UDD), Government of Maharashtra. As per reply received from Urban Development Department u/no. TPB-4319/pr.kra.124/2019/navi-11 dt.19.08.2019. It is stated that since Central Government, Defence Ministry's Circular dt.21.10.2016 for NOC guidelines are still under review MCGM shall follow Urban Development Department, circular dt.07.11.2016 for proposal received for development."

5. Learned counsel for the petitioner submits that, in view of affidavit in reply dated 29/02/2020 filed on behalf of the Respondent-Corporation by Shri. Abhijit Bandu Sankhe, working as Assistant Engineer (BP), R/S ward, the petitioner may be permitted to withdraw the present writ petition. To that effect he has given in writing. The same is taken on record and marked 'X' for identification. The same is accepted. He further submits that, now the Corporation be directed to proceed with their proposal on its own merits. Hence, the following order is passed:

- a) The petitioner is permitted to withdraw

the present writ petition unconditionally.

b) The Corporation to consider the petitioner's proposal on its own merits without insisting for no objection certificate from the Respondent No.1 in view of the guidelines issued by the Ministry of Defence dated 21/10/2016 as stated by them in their affidavit in reply dated 29/02/2020.

c) No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)
