

Uday S. Jagtap

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

WRIT PETITION NO. 321 OF 2021

Jitendra Mahadev Nevrekar & Ors. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

....

Mr. Vidnyan Daware for the petitioners

Mr. Anoop U. Patil for respondent no.2

Mr. Amit Shastri, AGP for respondent no.1 State

Mr. Yogendra Kanchan for respondent no.4

**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, J.J.**

DATED : 9th SEPTEMBER, 2021

P.C.

1. Heard learned Counsel for the parties.
2. By this petition under Article 226 of the Constitution of India, the petitioners are seeking direction against respondent no.3 to finalize the Annexure-II in respect of the scheme under 33(10) of the Development Control Regulation being implemented by Respondent no.5 Society through the Respondent No.4 developer on land bearing CTS No. 1/25(pt.) and 8/383 of village Tardeo Division at Janta Nagar Zopadpatti, admeasuring 4178.98 st.meters. and publish the same immediately.

UDAY
SHIVAJI
JAGTAP

Digitally signed
by UDAY
SHIVAJI
JAGTAP
Date:
2021.09.13
17:17:25 +0530

3. It is the case of the petitioners that the petitioners are occupants of hutment. Thereafter, the respondent no.3 carried out survey and published the draft Annexure-II on 13th August, 2019, which is at Exh.E, page 70 of the petition. The learned Counsel for the petitioner submits that though the draft Annexure-II published in 2019, till today, respondent no.3 failed and neglected to publish final Annexure-II, inspite of several correspondence. Hence, they preferred the present writ petition.
4. On the other hand, the learned Counsel appearing on behalf of respondent no.4 submits that there is a procedure to publish the final Annexure-II and, therefore, there is no question of any direction at present.
5. It is to be noted that, admittedly in the present proceedings, respondent no.3 has already issued draft Annexure-II on 13th August, 2019 and thereafter, it remained on their part for more than 2 years to finalize the same.
6. Considering these facts, we are of the opinion that respondent no.3 can be directed to follow the due process of law and issue final Annexure-II immediately.
7. At this stage, learned Counsel appearing on behalf of the petitioner submits that respondent no.3 is duly served. He undertakes to file affidavit of service in the Registry within a

period of one week from today. Statement is accepted.

8. In view of the above, following order is passed :-

ORDER

(i) Respondent no.3 – Assistant Municipal Commissioner and competent Authority is directed to finalize Annexure-II in respect of the petitioner, after following due process of law as early as possible but in any case on or before 10th December, 2021 and communicate their decision to the petitioner in writing.

(ii) Petition is disposed of in the aforesaid directions.

(iii) No order as to costs.

(iv) All contentions of both the parties are kept open.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)