

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION (W) NO.1571/2021 IN
WRIT PETITION NO.7119/2016(D)

Sushan S.Charjan

Vs.

The State of Maharashtra through Secretary, Urban Development Department,
Mantralaya, Mumbai and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri G.K.Mundhada, Advocate for petitioner/applicant.
Mrs. S.S.Jachak, Assistant Government Pleader for non-applicant nos.1 and 4.
Shri J.B.Kasat, Advocate for non-applicant nos. 2 and 3.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- DECEMBER 10, 2021.

By this application it is prayed that typographical error that has occurred in amendment application bearing Civil Application (W) No.466/2019 be permitted to be corrected by deleting the words "Park vide Reservation No.8" by the words "Public Amenities vide Reservation No.29".

In the application it is stated that in prayer clause (B) of the writ petition reservation site had been incorrectly mentioned and therefore application for amendment was moved vide Civil Application (W) No.466/2019. However though the amendment was granted, the incorrect details were supplied as regards the details of the reservation. Consequently the authorities while issuing Notification pursuant to the judgment dated 17.03.2020 found it difficult to declare that the reservation with regard to Park vide Reservation No.8 had lapsed. Hence the present application has been moved.

Reply has been filed by the non-applicant nos. 2 and 3/original respondent nos. 2 and 3. In paragraph 4 of the said reply it has been stated that the land of the petitioner was affected by Reservation Site Nos.96 and 97. This reservation was re-numbered as Reservation Site Nos. 29 for public amenities in the proposed revised development plan.

In view of aforesaid, it is clear that while carrying out the amendment incorrect details in the form of “Park vide Reservation No.8” came to be supplied. The civil application is therefore allowed. Paragraph 13(ii) of the judgment dated 17.03.2020 in Writ Petition No.7119/2016 is corrected in the following manner :

The words “ Park, vide Reservation No.8” be replaced by the words “Public Amenities Reservation No.29”. The corrections be carried out accordingly.

The civil application is disposed of.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)

Andurkar..