

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.359 OF 2015

Nagarpalika Sawantwadi, ...Appellant
Through : The Chief Officer,
Sawantwadi Nagarpalika

V/s.

Subhanrao Vyankatrao Patankar & Ors. ...Respondents

Mr. S. M. Railkar, for the Appellant.

Mr. G. H. Keluskar, for Respondent Nos.1 to 5.

CORAM : MADHAV J. JAMDAR, J.

DATE : 19th DECEMBER, 2022

P.C.:

1. The respondents have filed affidavit of Respondent No. 2-Diliprao Vyankatrao Patankar and brought on record certain subsequent developments. The paragraph 4 of said affidavit is relevant and the same reads as under:

4. I say that Assistant Director of Town Planning, Raigad - Alibaug published revised Draft Development Plan on 12.10.2017. I further say that site No.61 in question not shown in revised Development Plan. I further say that the Director of Town Planning Maharashtra State, Pune has issued

an order dated 28th August 2019 under section 127 (2) of the MRTP Act, 1966 regarding lapsing of the reservation of the said land. Hereto annexed and marked Exh.'A' is copy of the Notification dated 28th August 2019.

2. Learned counsel appearing for the Appellant as well as learned counsel appearing for Respondent Nos.1 to 5 states that, in view of said subsequent development, nothing remains in the Second Appeal and the Second Appeal has become infructuous.

3. Accordingly, the Second Appeal is disposed of as it has become infructuous.

(MADHAV J. JAMDAR, J.)