

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 8327 OF 2017

Nirmala Ramesh PorwalPetitioner
Versus
The State of Maharashtra and orsRespondents

WITH
CIVIL WRIT PETITION NO. 6164 OF 2017

Mr. Shrirang JadhavPetitioner
Versus
The State of Maharashtra and orsRespondents

WITH
CIVIL WRIT PETITION NO. 2396 OF 2018

Madhukar Nana GuravPetitioner
Versus
The State of Maharashtra and orsRespondents

WITH
CIVIL WRIT PETITION NO. 2124 OF 2018

Shivaji Appaso Pawar & anr.Petitioners
Versus
The State of Maharashtra and orsRespondents

WITH
CIVIL WRIT PETITION NO. 5254 OF 2018

Ashok Yashwant PatilPetitioner
Versus
The State of Maharashtra and orsRespondents

WITH
CIVIL WRIT PETITION NO. 3399 OF 2018

Suman Arvind PatilPetitioner
Versus
The State of Maharashtra and orsRespondents

Mr. Ashutosh M. Kulkarni a/w Mr. Sarthak Diwan for the Petitioners.

Mr. P. P. Kakade, G.P. A.w MR. A. I. Patel, Addl. GP for the Respondent Nos.1 and 2 - State.

Mr. Rupesh Krishnath Bobade for Respondent No.3.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : 29th JUNE, 2022.

P.C. :

1. In view of the minutes of order, the following order is passed;
 - (i) In all these Petitions, the Petitioners have sought to hold and declare the impugned notification dated 14.08.2015 issued by the first Respondent (Exh-H to the Petition), in terms of the Maharashtra Regional and Town Planning Act (hereinafter referred to as “the Act” for the brevity), with regard to the reservation on the subject property as illegal, baseless, unreasonable, *ultra-vires*, without any authority and unconstitutional. The Petitioners have therefore sought to further quash and set aside the impugned notification.
 - (ii) The main ground of challenge to the impugned notification dated 14.08.2015 is to the effect that the same is issued in contravention to the amended proviso of Sub-section 1 of Section 31 of the Act.
 - (iii) Pending the present Petition, representation submitted by the Petitioner is appropriately considered by the State Government and

accordingly two affidavits dated 26.04.2021, 13.03.2022 are filed on behalf of the State Government. The assurances and undertakings given in these Additional Affidavits are accepted as an undertaking to this Court.

- (iv) Insofar as modification, made by the State Government in the Development Plan submitted on 17.09.2013 by the Islampur Municipal Council, which do not fall under Section 22A of the Act are concerned, the State Government has accepted that all such modifications will be treated to have been deemed to be sanctioned in terms of amended Section 31 of the Act.
- (v) Insofar as modifications, made by the State Government in the aforesaid Development Plan, which are of “the substantial nature” as defined in Section 22A of the Act are concerned, the State Government has undertaken to carry out necessary exercise in compliance with fourth proviso to Section 31(1) of the Act.
- (vi) In the light of above developments, we pass following order;
 - A) The impugned notification dated 14.8.2015 is quashed and set aside;
 - B) The State Government is directed to carry out and complete the aforesaid exercise and issue final notification regarding sanctioning of part of the aforesaid Development Plan within a period of twelve weeks from today.

2. All these Petitions stand disposed of in above terms with no order as to costs.
3. All concerned to act on the authenticated copy of the order.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)