

R.M. AMBERKAR
(Private Secretary)

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

WRIT PETITION NO. 1653 OF 2022

Shreeram Vithal Mhatre and Anr.

.. Petitioners

Versus

State of Maharashtra and Ors.

.. Respondents

.....

Ms. Minal Chandnani i/by Jaiwant Chandnani & Associates for the
Petitioners

Mr. S.S. Panchpor, AGP for the State

Mr. Girish R. Agrawal, Advocate for the Respondent No. 9

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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : FEBRUARY 18, 2022

P.C.:

. By the above Writ Petition, the Petitioners, *inter alia*, seek the
following reliefs:-

"(a) That this Honorable Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction in the nature of certiorari, calling for the records and proceedings in respect of the Sanctioned plan bearing reference numbers No. A.M.P/NARVI/BA.P/17-18/650 dated 27th July, 2017 issued by Respondent no.5 and after examining the legality, validity and propriety of the same, be pleased to quash and set aside the said Sanctioned plan issued by Respondent no.5;

(b) That this Hon'ble Court be pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, order or direction in the nature of mandamus, calling for the records and proceedings in respect of the suit property and direct Respondent no.6 to revisit the site and issue a fresh demarcation in respect of the suit property;

(c) That be pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, order or direction in the nature of mandamus, calling for the records and proceedings in respect of the Special Civil Suit bearing no.84 of

2014 pending on the file of the Hon'ble Civil Judge, Senior Division Kalyan and Regular Civil Suit bearing no. 324 of 2016 pending on the file of the Hon'ble Civil Judge, Kalyan and be pleased to stay the said proceedings."

2. As far as prayer clause (a) is concerned, the Application filed by the Petitioners dated 30.08.2021 shall be heard and disposed of by the Planning Authority within a period of eight weeks from today.

3. As far as prayer clause (b) is concerned, we are not passing any orders since alternate remedy is available to the Petitioners i.e. to move the the concerned Authorities under Section 85 of the Maharashtra Land Revenue Code.

4. As far as prayer clause (c) is concerned, the Civil Judge, Senior Division Kalyan shall hear the Special Civil Suit No. 84 of 2014 along with Regular Civil Suit No. 324 of 2016. The hearing of the said Suits is expedited.

5. All contentions of the parties are kept open.

6. In view of the above, the Writ Petition is disposed of.

[MILIND N. JADHAV, J.]

[S.J. KATHAWALLA, J.]