

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5741 OF 2021

Sunil Laxman Shinde & Anr. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr. Pramod G. Kathane with Mr. Vikas Wagh and Mr. Anjaykumar Kori for the Petitioners.

Mr. N. K. Rajpurohit, AGP for Respondent Nos. 1, 2 and 4- State.

Ms. Sweta Shah i/b. Mr. A.P. Kulkarni for Respondent No.3.

Mr. V. B. Tapkir for Respondent No.5.

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CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.

DATED : 6 SEPTEMBER 2022

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioners have sought the following prayers :

“a. This Hon’ble Court may be pleased to issue a Writ of Certiorari or any other Writ, Order or Directions under Article 226 of the Constitution of India to call for record and proceeding relating to the Sanctioned Development Plan of Shirur Municipal Council of the year 2012 and thereby direct the Respondent No. 1 to 3 to rectify the same to the extent of measurement boundaries of survey No.

309 as per the original revenue record available with the Respondent No.4.

b. This Hon'ble Court may be pleased to issue a Writ of Certiorari of any other Writ, Order or Directions under Article 226 of the Constitution of India to call for record and proceeding relating the issuance of Notice dated 06.03.2020 and 27.04.2021 and after examining legality, propriety and sanctity of impugned Notices, be pleased to quash and set aside the same.

c. This Hon'ble Court may be pleased to hold and declare by way of appropriate Writ, order and direction that as per sanctioned Development Plan of the year 2012 the 15 Mtrs. Development Road is passing through middle of Survey No. 309 and layout plan of the Respondent No.5 sanctioned by the Respondent No. 3 vide its order dated 20.10.2020 and 31.12.2019 approving shifting of Development Plan Road from Middle to Southern Side of Survey No. 309 is illegal and contrary to Sanctioned Development Plan”.

3. As to the representations made to the authorities in respect of their grievances, the learned Counsel for the Petitioners has drawn our attention to the representations annexed. The Petitioners have various grievances primarily against the Respondent No. 5- Developer. The grievances are regarding grant of permission for conversion to non-agricultural use, encroachment upon the Petitioners' properties, blocking the access to the Petitioners' properties and carrying out construction contrary to the development plan. These are all personal grievances against the

Respondent No.5. These disputes can appropriately be decided in a civil court after assessing the evidence.

4. As regards the prayer for modification of the development plan is concerned, the learned Counsel for Respondent No.5 rightly pointed out that there is a procedure under the Maharashtra Regional and Town Planning Act of 1966 for modification of the development plan, more particularly, Section 37 of the Act for minor modification. The learned Counsel for the Petitioners states that the Petitioners will initiate appropriate proceedings or make a request to the authorities for the said purpose.

5. In light of the statement made and above observations, the writ petition is disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)