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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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VASANT ANANDRAO
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Date: 2022.08.03
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WRIT PETITION NO.7613 OF 2021

Chetan C. Thakar & Ors.

...Petitioners

V/s.

State of Maharashtra & Ors.

...Respondents

Mrs.Neeta Karnik i/b Mr.Suraj Chakor for the Petitioners.

Mr.A.Y. Sakhare, Senior Counsel i/b Mr.Vijaykumar Dhakane for the
P.M.R.D.A.- Respondent Nos.2 and 4.

MR.A.A. Alaspurkar, AGP for the State – Respondent Nos.1, 3, 5
and 7.

Ms.Shyamali Gadre with Ms.Harshida Bhanushali and Ms.Janhavi
Gaikwad i/b Little & Co. for the M.I.D.C. - Respondent No.6.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 29TH JULY, 2022.

P.C. :-

1. Ms.Karnik, learned counsel for the petitioners and
Mr.Sakhare, learned senior counsel for the respondent nos.2 and 4
have tendered two separate draft minutes of the order for
consideration of this Court and jointly state that no reasons are
required to be recorded by this Court while disposing of this writ
petition. Statement is accepted. After hearing learned counsel for the
petitioners and the learned senior counsel for the respondent nos.2

and 4, we pass the following order :-

- i). Letter dated 14th June, 2022 filed by the respondent nos.2 and 4 is taken on record and marked "X" for identification.
- ii). The respondents will follow the time schedule set out in the letter dated 14th June, 2022. The respondent nos.2 and 4 shall abide by and follow the time schedule submitted by their letter dated 14th June, 2022 and grant fully demarcated final plot to the petitioners as per the said time schedule.
- iii). The meeting with the petitioners on the tentative plan of TPS – 1 (1st variation) as per rule no.48 of the Maharashtra Town Planning Rules, 1974 would be held by the respondent nos.2 and 4 on 5th August, 2022 when the petitioners would be shown the tentative plan of the final plots available.
- iv). The draft of TPS – 1 (1st Variation) was to be published by the respondent nos.2 and 4 under section 61 on 30th June, 2022. The same was not published on 30th June, 2022, therefore it will be published on 10th August, 2022.
- v). The State Government shall sanction the draft TPS – 1 (1st variation) under section 68 on or before 15th September, 2022.
- vi). The petitioners shall be given hearing by the Arbitrator under section 72 of M.R.T.P. Act with respect to their objections and suggestions with respect to the final plot being allotted.

vii). The petitioners shall be entitled to file appropriate proceedings permissible in law in view of the possession of original plot having being taken in advance on 16th May, 2019 and the same shall be decided by the Arbitrator on its own merits.

viii). The petitioners shall be entitled to file appropriate appeal proceeding and adopt the procedure under Maharashtra Regional Town Planning Act (M.R.T.P.) if in case aggrieved by Arbitration Award and / or compensation.

ix). The Arbitrator shall submit the preliminary scheme (1st variation) under section 72 of the said Act to the State Government by 30th November, 2022.

x). The State Government shall grant sanction to the preliminary scheme (1st variation) within three months thereafter.

xi). The respondent no.2 shall hand over possession of the demarcated final plot to the petitioners within four weeks from the date of sanction.

2. The writ petition stands disposed off. Interim order passed by this Court if any, stands vacated. No order as to costs.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)