

Gitalaxmi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5881 OF 2023

Mahalaxmi Shelters ...Petitioner
Versus
The State of Maharashtra through Urban
Development Department & Anr ...Respondents

Mr YS Jahagirdar, Senior Advocate, with Suresh Sabrad & Amey
Sawant, for the Petitioner.
Mr NC Walimbe, AGP, for Respondent No. 1-State.
Mr Rohit Sakhdeo, for Respondent No. 2 (PMRDA).

CORAM G. S. Patel &
Neela Gokhale, JJ.
DATED: 24th July 2023

PC:-

1. Heard. The Petition seeks a limited relief, namely, that the 2nd Respondent, the Pune Metropolitan Region Development Authority be directed to consider the Petitioner's application for building permissions and extension of time to carry out construction on Amenity Space No. 3. The record does not reflect that the 2nd Respondent has granted or refused the permission with a reasoned order.

2. Prayer clause (c) of the Petition at Page 32 reads as follows:

“c) or in the alternative, to direct the Respondent No. 2 to consider the application of the Petitioners for granting building permission afresh on the basis of the permission granted earlier vide its letter bearing No. 1171/18 dated 19.07.2018, in respect of Amenity Space No. 3 admeasuring 2238.85 sq.mtrs., as per the provisions of 6.7 of the Development Control Regulations, on such terms and conditions as this Hon’ble Court may deem fit and proper, as expeditiously as possible;”

3. We believe that it is possible to dispose of this Petition by moulding prayer clause (c).

4. Accordingly, the 2nd Respondent is directed to consider the Petitioner’s application in respect of Amenity Space No. 3 for (1) an extension of time; and (2) building permissions. The decision will be on merits, in accordance with law, and having due regard to the state of the record. This is to be done within eight weeks from today.

5. The Petition is disposed of in these terms with no order as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)

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KRISHNA
KOTAWADEKAR

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