

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12908 OF 2023
IN
WRIT PETITION NO. 6457 OF 2011

Mira Cooperative Housing Society Ltd	...Applicant
<i>In the matter between</i>	
Mira Cooperative Housing Society Ltd	...Petitioner
<i>Versus</i>	
The Pune Municipal Corporation & Ors	...Respondents

Mr GS Godbole, Senior Advocate, i/b DB Zaveri, for the Applicant.
Mr Abhijit P Kulkarni, with Sweta Shah, for Respondents No. 1 to 4.
Mr AA Alaspurkar, AGP, for the Respondent-State.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 29th August 2023

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1. The Petition is of 2011. Rule has been issued. In the meantime, the planning law changed and that was inevitable. Unified Development Control and Promotion Regulations are now in force in 2020 (“UDCPR”), nine years after the Petition was filed. The Petitioners have made a representation or an application on 28th February 2023 at Exhibits 6 and 7 of the Interim Application (separately to the Corporation and the State

Government) asking for the issuance of transferable development rights or a development rights certificate to the extent of 2620 sq mtrs under Regulation 11.24 of the UDCPR. They claim that this should be granted to them against delivery of possession of land for a DP Road or a public purpose. They seek in the Interim Application that the representation should be decided within a reasonable time. The 6th Respondent is the Secretary in the Urban Development Department of the State of Maharashtra.

2. We are clearly not directing the Secretary to grant the application but only to consider it and decide it at the earliest, and, in any event, within eight weeks from today. That decision is to be taken on merits uninfluenced by the contents of the Petition or any orders that may have been passed at the admission stage or thereafter.

3. Mr Godbole states that if the representation succeeds , the Petition will not survive. Mr Kulkarni says it will not survive anyway. Mr Godbole says that having struggled long and hard to get Rule issued, he is in no hurry to lose it. So be it. The Petition is kept pending.

4. The Interim Application is disposed of.

5. List the Petition for directions on 8th November 2023.

(Kamal Khata, J)

(G. S. Patel, J)