

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6408 OF 2023

Mr. Pramod Vilas Rakte & Ors.

.. Petitioners

Vs.

The Principal Secretary,

Urban Development & Ors.

.. Respondents

ALONG WITH

INTERIM APPLICATION NO.13018 OF 2023

IN

WRIT PETITION NO.6408 OF 2023

M/s. Sahyadri Properties

.. Applicant

In the matter between

Pramod Vilas Rakte & Ors.

.. Applicants

Vs.

The Principal Secretary,

Urban Development & Ors.

.. Respondents

- Mr. Bhushan Raut, for the Petitioners.
- Mr. Rushikesh R. Chavan a/w. Mr. Aadil Parsurampur, for the Applicant/Intervener.
- Mr. Abhijit R. Kulkarni a/w. Mr. Krushna Jaybhay, for Respondent No.3-Corporation.
- Mr. Deepak R. More a/w. Mr. Shivram A. Gawade, for Respondent No.5-SRA.
- Ms. R.M. Shinde, AGP for Respondent Nos.1, 2, 4 & 6-State.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ**

DATE : 5th JULY, 2023.

P.C. :

1. This petition has been filed by relying upon a purchase notice issued on 30.02.1980 by the persons who claimed to be owners of the property mentioned in the notice; namely (1) Babasaheb Namdeo Lodhi, (2) Aabasaheb N. Lodhi, (3) Nanasaheb N. Lodhi & (4) Miss Mangala Namdeo Lodhi. These owners, however, are not the petitioners and the petitioners only claim to be the persons interested in the property being tenants. But, the petitioners have not explained in a reasonable manner as to why after lapse of 23 years, the petitioners have filed this petition seeking a relief, amongst others, like the one for declaration regarding lapsing of the reservation under Section 127 of the MRTTP Act, 1966. Such a petition, in our view, is not maintainable mainly on account of the inordinate delay occurred in the present petition.

2. The petition stands dismissed. However, we grant liberty to the petitioners to file appropriate proceedings without prejudice to the rights of the respective parties, keeping all questions open.

3. In view of the final order passed in the Writ Petition, the Interim Application does not survive and the same is disposed of accordingly.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]