

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4420 OF 2011
WITH
CIVIL APPLICATION NO. 2027 OF 2019
WITH
CIVIL APPLICATION NO. 2598 OF 2011
WITH
REVIEW PETITION NO. 56 OF 2016
WITH
CIVIL APPLICATION NO. 2820 OF 2013
WITH
INTERIM APPLICATION NO. 276 OF 2020
WITH
CIVIL APPLICATION (ST) NO. 8410 OF 2019
WITH
INTERIM APPLICATION (ST) NO. 5784 OF 2021
WITH
INTERIM APPLICATION (ST) NO. 2880 OF 2021
WITH
REVIEW PETITION (ST) NO. 6913 OF 2016
IN

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RAMCHANDRA
SANKPAL

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WRIT PETITION NO. 4420 OF 2011

Municipal Corporation of City of Vasai Virar ...Petitioner
Versus
The State of Maharashtra ...Respondent

WITH

WRIT PETITION NO. 4365 OF 2010

Haresh Gopal Warane ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 4751 OF 2015

Jimmy Mates GonsalvesPetitioner
Versus
State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 4417 OF 2011

WITH

CIVIL APPLICATION NO. 1479 OF 2011

IN

WRIT PETITION NO. 4417 OF 2011

Mahesh Sitaram Desai ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 4419 OF 2011
WITH
CIVIL APPLICATION NO. 1404 OF 2011
IN
WRIT PETITION NO. 4419 OF 2011

Haresh Gopal Warane ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 5065 OF 2011

Ravindra L Purushottam Patil ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 6201 OF 2011

Prabhat Kumar Narendra Singh ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 10824 OF 2011

Vilas Sukur Tare ...Petitioner
Versus

The State of Maharashtra & Ors

...Respondents

WITH

WRIT PETITION NO. 13155 OF 2019

Jimmy Mates Gonsalves & Anr

...Petitioners

Versus

The State of Maharashtra & Ors

...Respondents

Mr Shreepad Murthy, *with Ranjit Agashe, Devansh Malhotra, Rajendra Jain, Vinsha Acharya & Pranil Lahigade, i/b Anand Nikhal, for the Applicants in CAWST/8410/2019 in WP/4420/2011.*

Ms Neeta P Karnik, *with Jimmy Gonsalves & Jovila Gonsalves, for the Applicant in CAW/2027/2022.*

Mr Manish Kelkar, *for the Applicant in IAST/5784/2021 in WP/4420/2011.*

Mr Indrajeet R Kulkarni, *for the Applicant in IAST/2880/2021.*

Mr Atul Damle, Senior Advocate, *i/b Swati Sagvekar, for the Petitioner in WP/4419/2011 & WP/4420/2011.*

Mr Saurabh Raut, *i/b Sachin Punde, for the Petitioner in WP/4417/2011.*

Mr Mayuresh Nagle, *i/b Anthony Floriyen Fozz, for the Petitioner in WP/4420/2011, WP/12155/2019 & WP/4751/2015.*

Ms Druti Datar, *for the Petitioner in WP/4365/2010 & WP/4419/2011.*

Mr Damish Patel, *i/b SD Khot, for the Applicant in CAW/2598/2011 and for the Intervener in WP/4420/2011 & WP/4419/2011.*

Ms Shraddha Achaliya, *i/b Sanjeev Prataprao Kadam, for the Applicant in CAW/2820/2013 in WP/4420/2011.*

Mr Shrirang Katneshwarkar, *with Jimmy M Gonsalves, for the Applicant/Intervener in WP/4420/2011, CAW/2027/2019 & IA/276/2020.*

Mr Akshay Pansare, *i/b Sachindra B Shetye, for the Respondent in WP/4420/2011.*

Mr Danish Patel, i/b SD Khot, for the Respondent in WP/4420/2011.
Mr PP Kakade, GP, with AI Patel, Addl. GP & SR Crasto, AGP, for
the Respondent-State.

CORAM G.S. Patel &
Kamal Khata, JJ.

DATED: 22nd February 2024

PC:-

1. In our view, these Petitions are entirely infructuous in light of what was communicated to us by Mr Patel on behalf of the State Government on the last occasion, i.e., decision of 15th January 2024.

2. There is now a Notification by the State Government of 14th February 2024, inviting suggestions and objections. A copy of that Notification is tendered, taken on record and marked “X3” for identification with today’s date. The Notification is in exercise of Section 3(3)(a) of the Maharashtra Municipal Corporations Act, 1949 (“MMC Act”). The stated purpose is to consider suggestions and objections regarding the alteration of the local limits of the Vasai Virar City Municipal Corporation (“VVCMC”). Section 3(4) requires the publication of such a Notification. The draft will be considered by the State Government within 30 days. All suggestions and objections are to be sent to the designated authority. The draft Notification has in Schedule I a list of the various revenue villages that are to be included within the limits of the VVCMC. Schedule II sets out the revised area/boundary of the VVCMC.

3. Obviously, under the MMC Act, the ultimate decision, one way or the other, on the Notification published for suggestions and objections will be taken by the State Government. It is only the State Government that can take such a decision and the State Government has plenary powers in that regard. There is no question of clarifying today that on issuance of the draft the previous Notifications “stand superseded,” “withdrawn,” “rescinded” or anything to that effect.

4. The consequences of the State Government’s final decision on the 14th February 2024 Notification will speak for itself. We are expressing no view on the draft Notification of 14th February 2024 or the likely rights that may be canvassed in that regard.

5. Noting the subsequent developments, we dispose of the Petitions. There will be no order as to costs.

6. All Interim Applications are infructuous and are disposed of accordingly.

7. The Rule stands discharged.

8. All previous interim or ad-interim orders, if any, stand vacated forthwith.

(Kamal Khata, J)

(G. S. Patel, J)