

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2825 OF 2026

Abhijit Arvind Paranjape
Indian Citizen, Age 59 years,
Occupation: Advocate, residing at:
Flat No. 26 Sonal Residency 'B',
Taluka Haveli, District Pune,
Ideal Colony, S.N129, Paud Road
Kothrud, Plot No. 48+49+50+51+56+57 ... Petitioner

Versus

1. The State of Maharashtra
through Secretary Urban Development
Department, Mantralaya, 4th Floor,
Madam Cama Road, Mumbai 400 032.
2. The State Director of Town Planning
Maharashtra State, Pune Central Offices
Old Buildings, Pune 411 001,
District Pune, Maharashtra
3. The Pune Municipal Corporation
(a Municipal Corporation established
under B.P.M.C. Act 1949) represented
through Pune Municipal Commissioner
and the City Civil Engineer, Pune Municipal
Corporation Building Regulation & Development
Control Kothrud Ward/Zone 6, having address
At P.M.C. Main Building, Shivajinagar
Pune 411 005 ... Respondents

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Mr. Abhijit Arvind Paranjape Petitioner in person is present.
Mr. Abhijit Kulkarni a/w Mr. Abhishek Roy for the Respondent No.3-PMC.
Mr. Manish Kelkar for Respondent Nos.1 & 2-State.
Mr. Pralhad Paranjape a/w Ms. Shweta More i/b Mr. Rahul Punjabi for Intervenors.

**CORAM : M.S.KARNIK &
S. M. MODAK, JJ.**

DATE : 18th MARCH 2026.

P.C. (Per S. M. Modak J.) :-

1. Heard Mr. Abhijit Paranjape Petitioner in person, Mr. Kelkar learned AGP for Respondent Nos. 1 and 2 and Mr. Kulkarni learned Advocate for Respondent No.3-Corporation.

2. The Petitioner has challenged the modification to the sanctioned Development Plan for Pune Municipal Corporation notified in the gazette dated 5th January 1987. He has challenged to deletion of only part of the land shown in blue color in the said notification. Earlier Survey No. 129 (Part) Kothrud admeasuring 3.188 hectare was reserved for playground. As per the said notification part of the land was deleted and included in residential zone and the remaining portion continued for the original resolution. There is direction given to Pune Municipal Corporation to acquire the land and develop it through public institutions. Whereas the sites reserved for

playgrounds has to be acquired by Pune Municipal Corporation only on the request of public charitable institutions working in the field of education (note 9 of the said notification). There are also consequential reliefs prayed in the Petition.

3. There is strong objection on behalf of Respondents for granting prayers for the reason, no case is made out for interference by this Court and the Petition also suffers from laches and delay. We have gone through the averments in the Petition and its annexures. Some of the documents which are annexed to the Petition are as follows:

- (a) Notification dated 5th January 1987 issued by State of Maharashtra in exercise of the power under Section 31 (1) of Maharashtra Regional And Town Planning Act, 1966 (MRTP Act).
- (b) The extracts of relevant plans.
- (c) Notification dated 20th November 1995 issued by Urban Development Department by taking recourse to the provisions of Section 37 of MRTP Act. The height of new building in Pune Municipal Corporation area was permitted upto 27 meters subject to other conditions.
- (d) Notification dated 5th June 1997 issued by Urban Development Department in exercise of the power under Section 37 of MRTP Act thereby certain regulations from development control rules were modified.

- (e) A copy of Commencement Certificate dated 19th May 1990 issued by Pune Municipal Corporation issued in favour of one Suhas Sathe.
- (f) A copy of Occupation Certificate dated 20th April 1993 and 26th July 1994 issued in favour of one P. Jayaraj.
- (g) A copy of Goggle Image showing location of certain buildings.
- (h) A copy of Map of Survey No. 129 described as Ideal Colony.
- (i) Copies of certain correspondence made by the Petitioner addressed to Nodal Officer Building Development Department of Pune Municipal Corporation.
- (j) Copies of certain replies given by Public Information Officer of Pune Municipal Corporation.
- (k) A copy of Legal Notice issued by one Chitra Arvind Paranjape dated 4th June 2025 to Additional Chief Secretary Urban Development Department.
- (l) A copy of letter issued by Additional Secretary to Pune Municipal Corporation dated 19th June 2025.
- (m) A copy of letter dated 30th September 2025 send by Director Town Planning to Commissioner Pune Municipal Corporation asking him to do the needful and inform the Petitioner.

4. It is true the notification dated 5th January 1987 was issued thereby granting sanction to final development plan. Plan was

submitted by planing authority i.e. Pune Municipal Corporation. It is very well true that certain portion which was reserved for primary school and garden was deleted and converted into residential zone. It is very well true that the State Government has permitted construction of new building upto the hight of 27 meters. It is very well true that certain regulations were also modified by the State Government.

5. It is a settled law that Court is having limited role in interfering with subordinate legislation. Court can interfere only when the procedure for granting sanction and permitting modification is not followed. It is the legislative domain what changes should be made in the existing development plan and in the regulations. There is a detailed mechanism prescribed in MRTP Act.

6. The responsibility is on planing authority to prepare a development plan. Intention to prepare plan is to be published as contemplated under Section 23 of the said Act. There has to be survey of land and existing land use map has to be prepared as contemplated under Section 25 of the said Act. After this preliminary work is over draft development plan has to be published. As per the provisions of Section 26 of the of MRTP Act the objections are invited and also heard by the planning authority. Thereafter, report has to be submitted to the planning committee and they have to submit a draft development plan to the State Government as per the provisions of Section 30 of the MRTP Act. The State Government is empowered to sanction it, sanction with modification and even has got power to

return the plan. This is what is contemplated under Section 31 of the said Act.

7. In this case the final development plan is already published in the notification dated 5th January 1987. Whereas subsequently the modification in the plan and in the regulations were published in the gazette dated 20th November 1995 and on 5th June 1997. Nowhere Petitioner has pleaded that procedure is not followed.

8. There was an occasion for division bench of this Court to deal with challenge to development plan for Ulhasnagar Municipal Corporation. It was in the case of *Vijay Nanikram Bhatia & Ors. Vs. The State of Maharashtra & Ors. through department of Urban Development and Ors.* 2023 SCC online BOM 2707. It was observed:

“29. We may also note that for challenging any legislation or subordinate legislation, unless its unreasonableness or arbitrariness is established, no fault can be found with such an exercise, provided the procedure for taking out such subordinate legislation has been followed.”

9. It is further observed:

“19. The development plan thus prepared under the statutory provisions of the MRTTP Act is a subordinate piece of legislation in the sense, that it is prepared and sanctioned by the authorities described in the said Act as per the procedure prescribed therein. The development plan thus being a piece of subordinate legislation can though be subjected to challenge before this Court by way of invoking the jurisdiction under Article 226 of the

Constitution of India, however the scope and extent of judicial scrutiny is limited to ensure if the procedure as prescribed under the statute has been strictly followed or not”.

10. On the touch stone of above principles when the averments in the Petition are perused, we do not find any justifiable ground to entertain the Petition. Just because part of the land is deleted from the reservation of school and garden cannot be the ground which can appeal to the conscious of the Court for want of justifiable ground. We are also not inclined to entertain the Petition on the ground of delay and laches more than 25 years has lapsed after sanction to final development plan. No case is made out for interference. Hence, the Petition is dismissed.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)