

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 7343 OF 2012

Tirumalla Balaji Co-operative
Housing Society Ltd.

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. M.M. Joshi, advocate for petitioner.
Mr. V.M. Kagne, AGP for the State.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 7th JANUARY, 2016.**

PER COURT :

1. Petitioner is praying for issuance of directions to respondents to decide representations dated 16.06.2009 and 13.12.2011, expeditiously.
2. Petitioner is a housing co-operative society and has purchased the property for residential use. Application tendered by petitioner for conversion of user of the property for non-agriculture has not been considered by the authorities.
3. An affidavit-in-reply has been presented on behalf of respondents wherein it has been stated that the application for non-agriculture permission has not been decided by the Collector for the reason that in the draft development plan the land has been shown as reserved and the draft development plan has not been finalised. It is further stated that gat no.

96 of village Sharnapur is included in agricultural zone as per earlier sanctioned Aurangabad-Jalna regional Plan. Thereafter, the Government of Maharashtra vide notification dated 8th May, 2000, decided to prepare Regional Plan for entire area under Aurangabad District. Accordingly, Draft Regional Plan for Aurangabad District was prepared by Regional Planning Board constituted by Government under the provisions of Maharashtra Regional and Town Planning Act, 1966, and, the said Regional plan was published on 26.02.2004. After considering the suggestions and objections received from the public, the said Regional plan of Aurangabad was submitted to the Government on 24.06.2005 for final approval. It is further stated that the State Government has sanctioned Regional plan on 24.07.2012 which came into force from 30.12.2012.

4. In this view of the matter, the grievance raised by petitioner in the instant petition does not deserve consideration. Apart from this, petitioner has placed reliance on the plan annexed alongwith affidavit rejoinder at exh. 'L' page 74 of the petition. The boundary marks shown in the map describing the tourism project boundaries includes the land purchased by the petitioner. Even otherwise, it cannot be disputed that the land has been earmarked for public purpose in the plan and as such, the request made by petitioner is not liable to be considered by the revenue authorities. Writ petition is devoid of substance hence stands dismissed.

(A.I.S. CHEEMA)
JUDGE

dyb

(R. M. BORDE)
JUDGE