

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

WRIT PETITION NO. 421 OF 2012

Sukuma Wamanrao Kulkarni and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Ambar S. Barlota, Advocate for Petitioners.

Shri B. V. Virdhe, A.G.P. for Respondent Nos. 1 to 3.

Shri N. B. Khandare, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 17TH MARCH, 2016.

PER COURT :

. Mr. Barlota, the learned counsel for petitioners states that, the respondents are trying to demolish the houses of petitioners under the garb of development of 45 meter road, though the said development is towards South side of existing road, whereas the petitioners' society situates on the Northern side of the existing road.

2. The affidavit in reply is filed by the Assistant Director of Town Planning to the following effect.

"3. I most respectfully say and submit

that, the development plan of Aurangabad Municipal Corporation Additional Area and No Development zone (AA+NDZ) has been sanctioned by Government under the provisions of Maharashtra Regional and Town Planning Act, 1966 vide Notification No. TPS-3088-5454-CR-5988-UD-12 dated 15.10.1991 and came into force with effect from 19.11.1991 in the said Development Plan the width of the road adjoining to Survey No. 8 Jadhavwadi was proposed as 24.0 meters.

4. I say and submit that, it is true that Government vide its Notification No. TPS-3099/106/CR-29/99/UD-30 dated 26th May-2000 sanctioned the modification for new site of "Transport Nagar" under provisions of Section 37 of Maharashtra Regional and Town Planning Act 1966 and by following the due procedure of Law including the changing alignment of 24.0 Meter Wide Road. Which is passing through Survey No. 8 of Jadhavwadi and upto Jalgaon diversion Road.

5. I say and submit that, it seems from the part of sanctioned modification that the said 24.00 meter wide Development Plan Road is widened upto 45.0 Meter width by providing widening towards Eastern side only."

3. The respondent No. 4 has filed affidavit saying that development plan is under revision and necessary proposal is already forwarded to the Deputy Director of Town Planning, where the grievance of the petitioners is to be considered and the Deputy Director was requested to make necessary correction so as to meet the grievance of petitioners. It is also stated in the affidavit that, the corporation does not intend to start the work of

extension of road of 45 meters.

4. In the light of the above, the petitioners do not have an eminent apprehension. The petitioners are at liberty to take up fresh proceedings upon the sanction of revised development plan. The writ petition is disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 16