

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3023 OF 2017

M/s Universal Constructions
A registered partnership firm
Through its partner
Mr. Devanand S/o Narayanrao Kotgire
age 51 years, occ. business
r/o Cloud Nine,
Chanakyapuri, Garkheda
Aurangabad

Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary
Urban Development Department
Mantralaya, Mumbai
2. The Superintendent of Central Jail
Harsool Central Jail
Aurangabad 431 005.
3. The Deputy Superintendent of Central Jail
Harsool Central Jail
Aurangabad 431 005
4. The commissioner Police
Police Commissioner Office
Aurangabad 431 001.
5. The Municipal Commissioner
Aurangabad Municipal Corporation
Aurangabad 431 001.
6. The Deputy Director
Town Planning Department
Aurangabad Municipal Corporation
Aurnagabad 431 001.

Respondents

Mr. C.S. Kulkarni, advocate for petitioner.
Mr. P.S. Patil, A.G.P. for respondents 1 to 4.

Mr. J.R. Shah, advocate for respondents 5 and 6.

**CORAM : R.M.BORDE &
S.M. GAVHANE, JJ.
DATE : 22nd AUGUST, 2017**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. Petitioner is praying for issuance of directions to respondent no. 5 to form a Committee within contemplation of order issued by the State Government on 04.12.2013, comprising of the Commissioner, Municipal Corporation, Commissioner of Police and Deputy Superintendent of Central Jail, Aurangabad, to process the application presented by petitioner for development in respect of the properties situate within periphery of 500 mtrs. from the jail.
4. According to petitioner, the property which is sought to be developed is situate within the periphery of 500 mtrs. from the Central Jail, Aurangabad. Petitioner has tendered application seeking development permission with the planning authority i.e. respondent no. 5. However, as a result of failure of respondent no. 5 to form the Committee for tendering recommendation to the planning authority in respect of grant of development permission, the application has not been attended. Petitioner as such seeks directions to respondent no. 5 to form a Committee with a view to

render decision on the proposal tendered by petitioner for development of the property. The Committee is required to be formulated in observance of the directions issued by the State Government on 04.12.2013. The Committee shall have to take decision in respect of grant of development permission for the properties situate within the periphery of 500 mtrs. from the Central Jail, Aurangabad.

5. Respondent no. 5 as such is directed to constitute Advisory Committee under the chairmanship of the Commissioner, Municipal Corporation and, the Commissioner of Police, Aurangabad and Deputy Superintendent of Central Jail, Aurangabad shall be the members of the Committee. The Committee shall be constituted under the directions of respondent no. 5 - Commissioner, Municipal Corporation, within a period of 15 days from today and, the constitution of the Committee shall be within the contemplation of order issued by the State Government on 04.12.2013. Said Committee shall deal with the applications tendered by petitioner in accordance with the order passed by the State Government. The Committee shall take decision on the application as expeditiously as possible, preferably within a period of eight weeks from the date of its constitution.

6. Rule is accordingly made absolute. No costs.

(S.M. GAVHANE)
JUDGE

(R.M.BORDE)
JUDGE