

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

**WRIT PETITION NO. 2076 OF 2016
WITH CA/13055/2017 IN WP/2076/2016**

**RAMLAL BRIJLAL JOSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.D.P.Palodkar, Advocate for the petitioner.
Mr.V.S.Badakh, AGP for respondent/State.
Mr.A.R.Vaidya, Advocate for respondent Nos.2 to 4.
Mr.C.V.Thombre, Advocate for the applicant in Civil Application.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 26.09.2018**

P.C. :-

1. The additional plan under the Maharashtra Regional and Town Planning Act is approved. The petitioner filed objection/representation with the State Government to the extent of alignment of the 80 mtr. road of the excluded part being changed. We have heard learned Counsel and learned AGP for the respective parties. It appears that upon the representation the State had called for the report from the Director, Town

Planning, Maharashtra State, Pune. The said authority has submitted his report to the Government under letter dated 15.06.2016. However, it appears that no final decision is taken by the State upon it as yet.

2. The contention of the Corporation is that the property of the petitioner is not affected even if alignment of the road has undergone change due to the additional plan. In that case the petitioner would not be affected. However, the contention of the petitioner is that the authorities of the Corporation had been on the site to take possession.

3. We direct the State Government to take decision upon the said representation pursuant to the report submitted by the Director of Town Planning within one month from today.

4. The respondent-Corporation is not prevented from proceeding with the work if the property of the

petitioner is not affected. If the petitioner's property is affected, naturally, the Corporation will have to follow the procedure before carrying out work in the property of the petitioner.

5. With the above observations, the writ petition is disposed of.

6. In view of disposal of the writ petition, Civil Application is disposed of.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]