

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3824 OF 2019

BALASAHEB SAHEBRAO BODKHE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Mundhe Sanjay V.

AGP for Respondents No. 1 & 2 : Mr. S. G. Karlekar

...

CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 25th JUNE, 2019

PER COURT:

1. Mr. Mundhe, learned counsel for the petitioners submits that the petitioners have raised objections to the draft development plan as per Section 16(1) of the Maharashtra Regional and Town Planning Act, 1966. The said objections are not considered. According to the learned counsel, the same are required to be considered before the draft development plan is forwarded to the Government.

2. The learned A.G.P. accepts notice for respondents no. 1 and 2.

3. It is not disputed by the petitioners that the respondent / municipal council has not yet

forwarded the draft development plan to the Government. Today the petitioners have merely on an apprehension that their objections may not be considered. Naturally, the municipal council has to adhere to the provisions of law and has to decide the objections filed in accordance with the provisions of the Maharashtra Regional and Town Planning Act, 1966.

4. Today, there is nothing on record to suggest that respondent no. 5 / municipal council would not consider the objections of the petitioners, as the draft development plan has not yet been forwarded to the Government.

5. In case respondents no. 4 and 5 without considering the objections of the petitioners decide to forward the said plan to the Government, then the petitioners would have cause of action to agitate. With these observations, the writ petition is disposed of. No costs.