

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

WRIT PETITION NO. 11646 OF 2018

Sayyed Abdul Rashid Sayyed Abdul
Rajjak .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Suresh P. Pandav, Advocate for the Petitioner.
Ms. Vaishali N. Jadhav Patil, A.G.P. for the Respondent No. 1.
Shri Satyajit S. Bora, Advocate for Respondent Nos. 2 to 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 07TH FEBRUARY, 2019.

FINAL ORDER :

. The petitioner seeks T.D.R. in respect of 30 meter development plan road.

2. We have heard Mr. Pandav, the learned counsel for the petitioner.

3. Mr. Bora, the learned advocate for respondent Nos. 2 to 4 submits that, said development plan road was submitted along with layout and was part of the layout. As such, the petitioner would not be entitled for the same and the case of the petitioner

can be considered under Section 40.3(iii) of the Development Control Rules for D-Class Municipal Corporation.

4. The petitioner has already filed an application for grant of T.D.R. in respect of land affected under the development plan road. It is for the authority to consider the application on its own merits irrespective of the provisions under which it is applied. The respondents may pass appropriate order with regard to the grant of T.D.R. on the application of the petitioner within a period of six (06) weeks from today. In case order is against the petitioner, the petitioner is entitled to agitate the same.

5. In the light of the above, the writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 19