

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

90 WRIT PETITION NO.7614 OF 2021

**SANTOSH RAOSAHEB PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. P.F. Patni Pramod F.
AGP for Respondents 1 to 6 : Mr. S.G. Karlekar
Advocate for Respondent 7 : Mr. Sadashiv S. Shete
Advocate for Respondents 8 & 9 : Mr. Ajit Gaikwad Patil

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 04/10/2021.

PER COURT :

. Mr. Patni, learned advocate for the petitioners submits that the petitioners are owners of land Survey No. 44/1 situated at Kannad within the municipal limits of Kannad. The layout of the petitioner land is sanctioned on 30th May 2019. As per the sanctioned layout plan, 15 meter wide road was left for approaching to Kannad – Pishor state highway. The petitioners' land is the boundary of Municipal limits of Kannad. The learned advocate submits that in the regional development plan which was sanctioned subsequently to the Kannad development plan, the said

15 meter road for approaching to Kannad – Pishor state high way was not shown. Instead of the same, the alignment of said Kannad – Pishor state highway was shown on the boundary of petitioners' land on east - west direction. Infact on the spot no such Kannad – Pishor state highway exists. According to the learned advocate, the old road is passing from land Survey No. 1 of village Narsingpur and thereby divided the same land in two parts. Petitioners' land has become land-lock. The petitioner cannot have approach road to approach Kannad – Pishor state highway.

2. The learned A.G.P submits that regional plan is sanctioned under notification dated 24.7.2012. The second revised development plan of Kannad city is sanctioned with effect from 1.8.1992 and subsequently, again development was sanctioned for the additional area of Kannad Municipal Council in the year 2006. The learned A.G.P submits that the road shown to be continued beyond the dotted line i.e. the Kannad Municipal limits has no sanctity as the area beyond dotted line i.e. outside the Kannad Municipal limits has no sanctity beyond the Kannad Municipal Council limits.

3. It seems that the development plan of Kannad Municipal Council is sanctioned prior to the regional plan sanctioned in the year 2012. Prior to the sanction of the development plan, draft development plan is prepared, the objections are invited, the objections are considered and thereafter, final development plan comes into existence. The final development plan is in existence probably since the year 2006. It appears that the petitioners did not raise objections to the final development plan. The regional development plan is also sanctioned in the year 2012. It would be too late now to consider the objections raised by the petitioners.

4. The contention of the petitioner is that their land becomes land-lock whereas the contentions of the learned A.G.P on instructions are that the petitioners have approach road from south side of his land to approach Kannad – Pishor state highway.

5. It would not be possible for this Court to enter in the rigmarole in absence of the complete facts.

6. The Municipal Council cannot sanction the layout plan

in a way that the land of the citizen would land-lock. The Municipal Council will have to provide approach road.

7. In case, the land of the petitioners becomes land-lock and there is no approach road to the petitioners to approach Kannad – Pishor state highway, the petitioners would always have remedy to approach the Municipal Council and seek the approach road.

8. In case such eventuality arises, the Municipal Council would certainly consider the grievance of the petitioner.

9. The writ petition is accordingly disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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