

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

WRIT PETITION NO.7745 OF 2014

**TABREZ MOHD. HANIF SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Dr.Tawshikar Swapnil D.
AGP for Respondents 1 to 3 : Shri S.G. Sangle
Advocate for Respondent 4 : Shri Milind Patil

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**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 14th December, 2021

Per Court :-

1. The learned advocate for the petitioner places before us a public notice published on 01.07.2021 in daily “Lokmat” by the President of Dondaicha Varwade Municipal Council, dated 21.06.2021, by which, Section 37 of the MRTP Act, 1966 has been invoked for modification of the Development Plan. Along with the copy of the news report, he has placed before us the copy of the resolution dated 31.01.2020 passed by the Municipal Council and further resolution passed on 20.04.2021. These three documents are taken on record and collectively marked as “X” for identification.

2. The learned advocate for the Municipal Council

submits that yesterday (13.12.2021), the Municipal Council has passed the resolution that within seven days the proposal would be forwarded to the State Government for deleting the petitioner's land admeasuring 35000 sq.ft. in CTS Nos.341 to 344-B, from the development plan.

3. The learned advocate for the petitioner submits that the area admeasuring 3200 sq.mtrs. is at issue. He submits that since the Municipal Council has moved the State Government under Section 37-A of the MRTP Act, 1966, a decision may be taken by the State Government within a time frame. He, therefore, prays for the disposal of this writ petition, on instructions.

4. In view of the above, this Writ Petition is disposed off as prayed for.

5. We direct the State Government to decide the said proposal forwarded by the Municipal Council under Section 37-A, as expeditiously as possible and preferably on or before 15.03.2022. Needless to state, the State Government would take a decision purely on the merits of the matter.