

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

960 WRIT PETITION NO.11902 OF 2021

**MOIN KHAN ASADULLAH KHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners: Mr.Palodkar Devdatt P.

AGP for Respondents No. 1 to 4:

Mrs. M. A. Deshpande

Advocate for Respondents No. 5 to 7:

Mr. S. S. Tope

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

DATE: 26th OCTOBER, 2021

PER COURT:

1. Mr. Palodkar, learned Advocate for the petitioners submits that the land of the petitioners was affected in the D.P. Road. The petitioners accepted the Development Rights Certificate in lieu of monetary compensation and hence certificate was also issued to that effect in favour of the petitioners by the Corporation after following the procedure prescribed by the regulations. The petitioners utilized the TDR by selling it to the builders. The enquiry was made by the petitioners. It was communicated by the

Corporation that all the TDR files for the years 2008 to 2017 are forwarded to the office of the Joint Director of Town Planning, Aurangabad for enquiry, in view of the Legislative Council Star Question. The learned Advocate further submits that the Joint Director also did not find any irregularity in issuance of the TDR to the petitioners. The respondents are not permitting utilization of DRC / TDR.

2. The learned A.G.P. submits that pursuant to the Star Question raised in the Legislative Assembly the Joint Director has completed the enquiry and submitted the report. Now, the decision would be taken by the Government pursuant to the enquiry report. The decision would be taken on all cases from the year 2008 to 2017.

3. The Government, no doubt, had directed to conduct an enquiry and enquiry is completed more than a year back. The Government was supposed to take decision by now. The Government is required to consider the report of the Joint Director and

where no irregularity is pointed out, in those matters at least decision ought to be taken immediately.

4. We direct the Government to take decision pursuant to the enquiry report submitted by the Joint Director in respect of the TDR / DRC utilization of the petitioners expeditiously and preferably within a period of three (03) months from today.

5. The parties may take steps pursuant to the decision taken by the State Government. In that regard, all contentions are kept open.

6. Writ Petition accordingly stands disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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