

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.765 OF 2022**

RAMESH DADARAO JARHAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

..RESPONDENTS

...

Mr. Swapnil S. Rathi, Advocate for the Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 08th FEBRUARY, 2022.

PER COURT:-

1. We have heard Mr. Rathi, learned counsel for the petitioner.

2. The learned counsel submits that, Civil Court has clamped injunction against private persons from burying dead bodies in the writ land. Subsequently, this Court had also quashed the Notification under Section 4 of the Land Acquisition Act and declaration under Section 6. The Court held that, acquisition proceeding stands lapsed. However, again under draft development plan prepared by the Municipal Council under Section 26 of the Maharashtra Regional and Town Planning Act, 1966 land of the petitioner is shown under reservation for graveyard. The learned counsel further submits that, the petitioner has raised objection, but no cognizance has been taken of it as yet.

3. After the draft development plan is prepared, a long drawn process is contemplated. The parties get right to raise objections to the reservation on their lands. The said objections are required to be considered by the Government before finalizing the draft development plan. The said stage has not yet arrived. The draft development plan has not yet been finalized by the Government.

4. In light of that, the present petition is premature. Naturally, while finalizing the draft development plan, all objections received from the citizens will have to be considered by the Government.

5. The petitioner may have right to agitate, if the objection is negatived and/or final development plan is prepared.

6. Writ Petition accordingly disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE