

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

WRIT PETITION NO.9998 OF 2022

**PANNALAL VITTHALDAS GUJARATHI THROUGH
POWER OF ATTORNEY HOLDER SANTOSH RAMNATH
BATTAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

...
Advocate for the Petitioners : Shri G.K. Mundada h/f Shri Mantri
Parikshit S.
AGP for the Respondents/State : Shri P.K. Lakhotiya
...

**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 30th September, 2022

Per Court :-

1. Though the petitioners have put forth four prayers below paragraph 19, they are pressing for only prayer clause C, which reads as under :-

“C) By way of ad-interim relief direct the respondent no.3 to take a decision which is to be informed to the petitioners and pass appropriate order on the application within a period of two weeks on the application U/s 44 made by petitioner on Dt. 11.10.2021 (Annexure-D), by taking into consideration decision of this Honourable High Court in WP no.9833/2017 on Dt. 27.08.2019 (Annexure-

A), clarification order issued by Respondent no.1 on Dt.05.10.2021 (Annexure-C) and technical opinion given by respondent no.4 on Dt.16.12.2021 (Annexure-F).

2. Notices in this matter are yet to be issued. However, since an innocuous prayer is put forth, seeking a mere direction that the application filed by the petitioners under Section 44 of the Maharashtra Regional and Town Planning Act, 1966 (for short, “the MRTP Act) dated 11.10.2021, be decided within a particular time frame in the light of the order of the High Court, that we find that this petition can be disposed off with such a direction.

3. In view of the above, this petition is disposed off.

4. We direct respondent No.3/Chief Officer, Municipal Council, Kopergaon, to decide the application dated 11.10.2021 filed by the petitioners under Section 44 of the MRTP Act in the light of the judgment of this Court dated 27.08.2019 in Writ Petition No.9832/2017 (Mrs.Sunita Kshirsagar and another vs. State of Maharashtra and others) with connected petitions, within a period of sixty days from the date of the receipt of this order.

5. The learned advocate for the petitioners submits that the petitioners would take a printout of this order from the

official website of the Bombay High Court and serve the same upon respondent No.3 by speed post A.D..

6. Needless to state, we have not expressed any view about the merits of the claim of the petitioners.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)