

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

97 WRIT PETITION NO.9412 OF 2022

M/S JAYBHADRA LAND DEVELOPERS PVT. LTD. THROUGH ITS
DIRECTOR BAJIRAO SAKHARAM GORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH DEPARTMENT OF URBAN
DEVELOPMENT AND OTHERS

...

Advocate for Petitioners : Mr. D. P. Palodkar
AGP for Respondents-State : Mr. P. K. Lakhotiya
Advocate for Respondent-CIDCO : Mr. S. S. Deshmukh

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**WITH
WRIT PETITION NO.9771 OF 2022**

SHRI. PRASHANT BHAURAO KHARAT AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. D. P. Palodkar
AGP for Respondents-State : Mr. P. K. Lakhotiya
Advocate for Respondent-CIDCO : Mr. S. S. Deshmukh

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**WITH
WRIT PETITION NO.9772 OF 2022**

YOGESH ANNASAHEB DESHMUKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. D. P. Palodkar
AGP for Respondents-State : Mr. P. K. Lakhotiya
Advocate for Respondent-CIDCO : Mr. S. S. Deshmukh

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

DATE : 21st September, 2022

PER COURT :

1. Writ Petition Nos.9771 of 2022 and 9772 of 2022 are not on board. At the request of the learned Advocate for the petitioners and with the consent of the learned AGP and Mr. Sachin Deshmukh, these two matters are taken on board.
2. The learned Advocate for the petitioners has preferred these identical matters wherein the only contesting party is the State Government.
3. Mr. Sachin Deshmukh, the learned Advocate, represents CIDCO.
4. Mr. Palodkar, learned counsel submits that the State Government has not yet taken a decision regarding the modification under section 31 (2) of the MRTP Act, though the time stipulated in the provisions of the Act expired long back.
5. According to the learned counsel, in the year 2013 the draft

development plan was published and final development plan was published on 8.11.2017 and, on the same day, substantial modification was republished. Suggestions and objections were invited. The officer appointed, considered the suggestions and objections and after hearing the parties concerned, submitted a report to the Government under section 31 (2) of the MRTP Act on 18.1.2019. The decision is required to be taken by the Government as per the second proviso to section 31 (2) of the MRTP Act within one year. The decision is not yet taken. The outer limit to take the decision on the modification, expired on 18.1.2020.

6. The State Government shall take a decision upon the report and the modification (subject matter of these petitions), within three months.

7. With these observations, the writ petitions are disposed off.
No costs.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

gawade/-.