

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

WRIT PETITION NO. 1570 OF 2023

Jitendra Shantilal Mutha and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 1574 OF 2023

Jitendra Shantilal Mutha and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Devdatta P. Palodkar, Advocate for the Petitioners in both matters.

Shri S. B. Pulkundwar, A.G.P. for the Respondent Nos. 1 to 4 in both matters.

Shri Vaibhav P. Deshmukh, Advocate for the Respondent No. 5 in both matters.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 27TH MARCH, 2023.

FINAL ORDER :

. Heard. By consent petitions are taken up for final disposal at the admission stage. Since issue involved is identical, both petitions are disposed of by this common order.

2. After the respondent No. 5/CIDCO was appointed as

Special Planning Authority, sanction was accorded for Regional Plan for Aurangabad region under Section 15 of the Maharashtra Regional and Town Planning Act, 1966 (for short “MRTP Act”), in which the property of the petitioners was earmarked in residential zone. It is claimed that Draft Development Plan of Aurangabad Fringe Area was published by the said respondent under section 26(1) of the MRTP Act and contrary to the inclusion of writ property in the original plan, which was published on 24th January, 2012 under Section 15 of the MRTP Act, the aforesaid earmarking of residential area came to be changed, which was objected by the petitioners.

3. On November 08, 2017, the State Government accorded sanction to the development plan of fringe area under Section 31 of the MRTP Act by issuing a notification in which objections were invited.

4. The petitioners accordingly lodged objection to the competent officer appointed for the purpose, who has also heard the petitioners. However, till this date, it is claimed that the decision is not communicated or taken by the Government.

5. Learned counsel for the petitioners submits that the directions need to be issued to the State Government at par with the orders dated 24th November, 2022 and 13th August, 2021 delivered in identical writ petitions bearing Writ Petition No 11138 of 2022 and Writ Petition No. 7176 of 2021 by this Court.

6. When confronted, learned Assistant Government Pleader, Mr. Pulkundwar would urge that the State Government shall decide the issue in accordance with law in due course.

7. Having considered said submissions, what can be noticed is claim of the petitioners is not decided for reasonable period of more than three years. As such, it would be appropriate in our opinion to direct the respondent/State Government to take decision on the report submitted by the officer appointed pursuant to the hearing taken on the objection of the petitioners referred supra. We expect the State Government to take such decision within a period of three (03) months from today and communicate the same to the petitioners.

8. With above directions both petitions stand disposed of.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/March 23