

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

28 WRIT PETITION NO.6461 OF 2023

M/S. SHRI GANESH DEVELOPERS THROUGH ITS PARTNERS AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.D.P.Palodkar, Advocate for the Petitioners.
Mr.S.B.Yawalkar, AGP for the Respondent/State.
Mr.S.S.Deshmukh, Advocate for Respondent No.5.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JUNE 19, 2023

PER COURT :

1. Mr.Palodkar, learned Advocate 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.

2. According to the learned Advocate, in the year 2013 the draft development plan was published and a final development plan was published on 08.11.2017 and on the same day the 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 18.01.2019. A 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 a decision on the modification, expired on 18.01.2020.

3. The State Government shall take a decision upon the report submitted by the Officer appointed and the modification (subject matter of the petition), within three months.

4. With these observations, **the writ petition is disposed off.**
No costs.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)