

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

WRIT PETITION NO.8138 OF 2021

**GHANSHAYAM DWARAKALAL DAYAMA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr. D. M. Pingale, Advocate for the Petitioners.

Mr. V. M. Kagne, AGP for Respondent Nos.1 to 3.

Mr. P. N. Nagargoje h/f Mr. D. B. Thoke, Advocate for Respondent No.4.

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

DATE : 10th JULY, 2023.

PER COURT:-

1. Despite several chances granted and passage of 24 months, the petitioners have not amended the petition in pursuance to the order dated 30.07.2021. As such, the order permitting amendment stands recalled.

2. The Municipal Council has not complied with the order dated 21.06.2023 and has not deposited the amount of Rs.5000/-. Even today, further time is sought. A statement is made that within two days the amount would be deposited.

3. In view of the above, let the amount be deposited within two days, failing which the said amount along with cost of an equal amount, will be recovered from the salary of the Chief Officer of the Municipal Council.

4. It is conceded that as the petitioners are identically placed with ***Padama W/o Shivchandra Mundada and Ors. Vs. The State of Maharashtra and Ors., Writ Petition No.7584/2021*** decided by judgment dated ***18.11.2022*** delivered by this Court, the petition succeeds in terms of the observations set out in the said judgment.

5. In view of the above, **this petition is allowed** in terms of prayer Clause 'B', which reads as under:

“B. Writ petition may kindly be allowed and the land of the petitioners to the extent of 81R from land bearing Survey No.362/2B/2/1 situated at Chalisgaon, Tq. Chalisgaon, Dist. Jalna in site no.97 of the revised development plan of 2016 be directed to be released from the reservation and the said land shall not be treated as a reserved in the revised development plan brought into force on 07.05.2016.”

(Y. G. KHOBRAGADE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE