

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

WRIT PETITION NO.12281 OF 2023

**ARUN YASHWANT KADAM AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH
DEPARTMENT OF URBAN DEVELOPMENT AND OTHERS**

...

**AND
WRIT PETITION NO.13193 OF 2023
(Not on the Board. Mentioned. Taken on the Production Board.)**

**SHAKIR KHAN AYYUB
VERSUS
THE STATE OF MAHARASHTRA THROUGH
DEPARTMENT OF URBAN DEVELOPMENT AND OTHERS**

...

**AND
WRIT PETITION NO.13194 OF 2023
(Not on the Board. Mentioned. Taken on the Production Board.)**

**HITESH KANTILAL PATEL
VERSUS
THE STATE OF MAHARASHTRA THROUGH
DEPARTMENT OF URBAN DEVELOPMENT AND OTHERS**

...

**AND
WRIT PETITION NO.13195 OF 2023
(Not on the Board. Mentioned. Taken on the Production Board.)**

**ANIL POPATLAL MUNOT
VERSUS
THE STATE OF MAHARASHTRA THROUGH
DEPARTMENT OF URBAN DEVELOPMENT AND OTHERS**

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Advocate for the Petitioners : Shri Palodkar Devdatt P.
AGP for Respondents 1 to 4 and 6/State : Shri S.K. Tambe
Advocate for Respondent 5/CIDCO : Shri Sachin Deshmukh

...

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

DATE :- 19th October, 2023

Per Court :-

1. Shri Sachin Deshmukh, the learned Advocate, appears on behalf of Respondent No.5 CIDCO.

2. Mr. Palodkar, the 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.

3. According to the learned counsel, in the year 2013 the draft development plan was published and the final development plan was published on 08.11.2017 and on the same day the substantial modification was re-published. Suggestions and objections were invited. The officer appointed considered the suggestions and objections and after hearing the parties concerned, submitted the report to the Government under Section 31 (2) of the MRTP Act on 18.01.2019. The decision is required

to be taken by the Government as per the second proviso of 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.

4. We, therefore, direct that the State Government shall take a decision upon the report submitted by the officer appointed and the modification (subject matter of these petitions), within three months.

5. With these directions, **the Writ Petitions are disposed off**. No costs.

kps

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)