

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

50 WRIT PETITION NO.14685 OF 2023

SHREE GANAPATI ASSOCIATES THROUGH ITS PARTNERS AVINASH
BHAGWANDAS TOLWANI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH DEPARTMENT OF URBAN
DEVELOPMENT AND OTHERS

...

Advocate for Petitioners : Mr. Palodkar Devdatt P.
GP for Respondents State: Mr. A. B. Girase
Advocate for Respondent No.5: Mr. Sachin Deshmukh

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.
DATE : 4th December, 2023

ORDER:

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 Advocate, 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 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.

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 Petition is disposed off.** No costs.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan