



(1)

36 wp 15391.23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 WRIT PETITION NO. 15391 OF 2023

BHOOMI DEVELOPERS THROUGH ITS PARTNERS
SUSHIL KAMALNAYAN BHARUKA AND ANOTHERS

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA
THROUGH DEPARTMENT OF URBAN DEVELOPMENT AND OTHERS

.....Respondents

...

Advocate for Petitioner : Mr. S.S. Khoche h/f. Palodkar Devdatt P

GP for Respondents/State : Mr. A.B. Girase

Advocate for R/5 : Mr. Sachin Deshmukh

Advocate for R/7 : Mr. S.S. Tope

.....

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.

DATE : 18th December, 2023

PC. :-

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

2. Mr. Khoche, 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 appointed officer 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 Petition is disposed off**. No costs.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]