



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO. 5656 OF 2024

BALASAHEB VITTHAL SONAWANE AND OTHERS
VERSUS
THE STATE OF MAHARASH
TRA THROUGH DEPARTMENT OF URBAN DEVELOPMENT AND
OTHERS

...

Advocate for the Petitioners : Mr. Devdatt P. Palodkar
GP for Respondent/State : Mr. A. B. Girase
Advocate for Respondent No.7 : Mr. S. P. Urgunde

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

DATE : 18.06.2024

PER COURT :

1. Mr. S. P. Urgunde, the learned Advocate, appears on behalf of Respondent No.7/Municipal Corporation, Aurangabad.
2. Mr. Palodkar, the learned Advocate submits that the State Government has not yet taken a decision regarding the modification under section 31(2) of the MRTTP 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 a 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 this Petition), within three months.

5. With these directions, the **Writ Petition is disposed off**. No costs.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)