



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

WRIT PETITION NO. 11217 OF 2024

Dilip Mohanrao Kale And Others
VERSUS
The State Of Maharashtra,
Through Department Of Urban Development And Others

Mr.D.P.Palodkar, Advocate for petitioners
Mrs.Kalpalata Patil-Bharaswadkar, APP for respondents

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : OCTOBER 16, 2024

ORDER :-

1. Mr Palodkar, the learned Advocate for the Petitioners submits that the State Government has not yet taken a decision regarding the modification, under Section 31(2) of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act'), though the time stipulated in the provisions of the said Act expired long ago.

2. According to the learned Advocate for the Petitioner, 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 republished. 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 has expired on 18/01/2020.

3. We, therefore, direct that the State Government to take a decision regarding the report submitted by the Officer appointed and the modification (subject matter of this Petition), within four months, on its own merit.

4. With the above directions, this Writ Petition is disposed off. No costs

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP