



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

WRIT PETITION NO. 12807 OF 2023

1. Vinay Pundlik Chaudhari
Age : 67 years, Occ. Agriculture and Business,
R/o 5, Anupam Housing Society,
Shreyanagar, Aurangabad.
2. Ajay Pritamdas Bajaj
Age : 51 years, Occ. Agriculture and Business,
R/o N-1, CIDCO,
Aurangabad.
3. Kamalkishor Kaluram Bajaj
Age : 65 years, Occ. Agriculture and Business,
R/o Shilp Nagar,
Aurangabad.
4. Subhash Ramnath Malani
Age : 70 years, Occ. Agriculture and Business,
R/o Plot no.18, Vikas Nagar,
Aurangabad.

...Petitioners

Versus

1. The State Of Maharashtra
Through The Secretary
Ministry of Urban Development,
Mantarlaya, Mumbai – 32.
2. The Director of Town Planning,
Maharashtra State,
Town Planning & Valuation Department,
Government of Maharashtra, Central Building,
Near Railway Station, Pune.
3. The Collector & Special Land Acquisition Officer,
(Special Ghatak), Aurangabad.

4. City and Industrial Development Corporation
of Maharashtra, Aurangabad
Through its Administrator.
5. Shirish Khivrajji Gadiya,
Age : 56 years, Occ. Business,
R/o Plot No.2, Gut No.40,
Golwadi, Tal. & Dist. Aurangabad.
6. Sau Arti Kakasaheb Dhondare,
Age : 56 years, Occ. Business,
R/o 27, Gadiya Park, Maheshnagar,
Aurangabad, Tal. & Dist. Aurangabad. ...Respondents

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Advocate for Petitioners : Mr. Bhandari Anand P

AGP for Respondent Nos. 1 to 3/State : Mr. K.S. Patil

Advocate for Respondent No.4 : Mr. V.P. Deshmukh

Advocate for Respondent No.5 : Mr. D.P. Palodkar

Advocate for Respondent No.6 : Mr. Khoche Shubham S.

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 18 JULY 2024

PER COURT :

. We have heard both the sides to considerable view.

2. The issue essentially is revolving around the right of the petitioners to seek access to their land locked plot in the light of Clause 3.3.14 of Unified Development Control and Promotion Regulation under Chapter 3.

3. Though several issues have been raised even touching the

permission granted to the respondent no.5 and 6, the learned for the petitioners Mr. Bhandari submits that petitioners do not insist for access to be given through a particular land, but are merely interested in having the access in the light of UDCPR. The respondent no.4/CIDCO has filed affidavit-in-reply *inter alia* mentioning as under :

“13. With reference to Para No.13, I say and submit that, Layout Permission is not granted on the land owned by Petitioner Gut no. 74 (Pt), Mauje Golwadi, Tal. And Dist. Aurangabad as well as the Layout Permission is also not granted on the land owned by Respondent no.5 and 6 Gut no. 74 (Pt) and 78 (Pt), Mauje Golwadi, Tal. And Dist. Aurangabad by the CIDCO. Hence as per provisions of clause no. 3.3.14 of UDCPR (Unified Development Control and Promotion Regulations for Maharashtra State) regarding Land locked Plot, Petitioner and Respondent no.5 & 6 may mutually decide regarding providing access to the Land of Petitioner. Further in northern side of Petitioners land, there exists Government Land through which access to the Petitioners land can be given from Planning point of view, as per Administrative Approval. Further the Tentative Layout Permission on Gut no. 74 (Pt) and 78 (Pt), Mauje Golwadi, Tal. And Dist. Aurangabad was issued on 11/01/2024 to the Respondent no.5 and 6 while the Final Layout Permission for said land was issued by Planning (Waluj) section on 04/03/2024.

The Respondent further submits that, as to Gut No.79 Mauje Golwadi Tq and Dist Aurangabad admeasuring as 8 Hector 98 R out of 11 Hector 61 R is acquired by the CIDCO and the CIDCO is in the possession of the property and the remaining land 2 Hector 63 R is being used for Stone Crusher, Stone Excavation and for the purpose of cemetery, the CIDCO has to get the measurement map of the land acquired by the CIDCO and the remaining land with the State Government from the office of the Land Record, so as to give the access to the petitioner herein to the land situated at Gut No.74 Golwadi. The land record office has initiated the process of getting the land admeasured, after the receipt of the final measurement map the decision on the proposal of giving access to the land of the petitioner will be decided as per the prevailing laws and rules. It is necessary to follow the said procedure so as to avoid any dispute pertaining to the ownership and the easementary rights, if the petitioner as being the owner of the land bearing Gut No.74 is ready and willing to have the access to their land, they are suppose to pay

the necessary charges as per the UDCPR Rule 3.3.14 upon the payment of the same charges his application will be decided as per the process.”

4. The learned advocate for the respondent no.4/CIDCO tenders across the bar a copy of communication received from the administrator/CIDCO dated 09.07.2024 which is taken on record. It has been mentioned therein that in order to consider the request of the petitioners under Clause 3.3.14 of UDCPR Regulation, already a request has been made to the survey department for carrying out measurement and depending upon the measurement map, appropriate decision would taken on the petitioners’ request for grant of access, in the light of that regulation.

5. In view of such stand being taken by the CIDCO, accepting its responsibility of taking a decision in the light of Clause No.3.3.14 of UDCPR Regulation, the writ petition can be disposed of with a direction binding the CIDCO to take such decision within a reasonable time.

6. The writ petition is disposed of by directing the respondent no.4/CIDCO, as per the commitment made in the affidavit-in-reply and the communication dated 09.07.2024 to take appropriate decision in accordance with law as expeditiously as possible and in any case within three months.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]