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

919 WRIT PETITION NO. 13262 OF 2024

Jagannath Suryabhan Gondkar

VERSUS

1. The State of Maharashtra,
Thr. Department of Urban Development,
Mantralaya, Mumbai
2. The Hon'ble Minister,
Department of Urban Development,
Mumbai
3. Principal Secretary,
Department of Urban Development
Mumbai
4. Director of Town Planning, Pune
5. Joint Director of Town Planning, Nashik
6. Assistant Director of Town Planning,
Ahmednagar

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Mr D. P. Palodkar, Advocate for petitioner

Ms P. J. Bharad, A.G.P. for respondents/State

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 5th December, 2024

PER COURT:

1. Mr. Palodkar, the learned Advocate for the petitioner 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 (the said Act), though the time stipulated in the provisions of the said Act expired long back.

(2)

2. According to the learned Advocate, in the year 2017, the draft development plan was published and the final development plan was published on 19.09.2019 and on the same day a 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 said Act, on 11.02.2020. The decision is required to be taken by the Government as per the second proviso to Section 31(3) of the said Act, within one year. The decision is not yet taken. The outer limit to take a decision on the modification expired on 11.02.2021.

3. 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.

4. With these directions, this Writ Petition is disposed of.
No costs.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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