

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****WRIT PETITION NO.4713 OF 2023**

M/s. Sandeep Dwellers Pvt. Ltd. and ors.

..vs..

State of Maharashtra and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Kartik Shukul, Advocate for the petitioners.
Shri N.R. Patil, A.G.P. for the State.
Shri K.P. Mahalle, Advocate for respondent no.5.

CORAM: VINAY JOSHI AND SANJAY A. DESHMUKH, JJ.
DATED : 24/07/2024.

Heard.

2. The petitioners have applied to the Competent Authority under Sections 8 (4) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act') for declaration of surplus land. It is the petitioners' contention that he was unable to comply the terms and conditions of the order dated 19.04.2005 passed under Section 20 of the Act within stipulated period, due to unavoidable or uncontrolled reasons. The petitioners have been served with a demand notice for grant of extension for non-compliance of terms and conditions of the said order.

3. It is the petitioner's contention that he made a representation dated 08.06.2022 to the State Government (page 157), however it has not been decided. Learned Assistant Government Pleader brought to our notice that Government Resolution dated 18.02.2015 has clarified that the State Government is empowered to exempt the charges on extension in terms

of the mechanism provided under G.R. dated 18.11.1992. It reveals that though the petitioners have applied to the State Government, till date no decision has been taken by the respondent no. 3 State. Since the State has made a provision for granting exemption in befitting cases, the matter needs to be assessed by the State in terms of G.R. dated 18.11.1992. It is evident that though the petitioner made a representation on 08.06.2022 till date no decision has been taken, hence certain directions are to be issued to that effect.

4. In view of the above, respondent nos. 2 and 3 are directed to decide the petitioner's representation dated 08.06.2022 for grant of exemption, within four weeks from the date of receipt of this order.

5. The petition stands disposed of accordingly. No costs.

(SANJAY A. DESHMUKH, J.)

(VINAY JOSHI, J.)

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