



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 184 OF 2025

IN

WRIT PETITION NO. 8367 OF 2025

Na Printer Baba Petrol Pum
Cross Road Near Mahavir Signatory
B.J. Printer

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Bakal Vishal P, for Petitioner.
- Mr. A. B. Girase, GP for Respondent Nos.1 and 2.
- Mr. S. S. Tope, for Respondent Nos.3 and 4.

**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 25th SEPTEMBER 2025.

P. C. :

1. In this application seeking modification / review of the order dated 10th July 2025, passed in Writ Petition No.8367 of 2025, we had issued notice by an order dated 18th August 2025, limited to reliefs sought in prayer clauses (b) and (c) in the application.

2. Mr. Tope, learned counsel appeared on behalf of the respondent – Municipal Corporation. We have heard the learned counsel for the applicant (original petitioner) and the learned counsel appearing for the respondent – Municipal Corporation.

3. The learned counsel for the petitioner invites attention of this Court to a communication dated 01st September 2007, issued by the respondent – Municipal Corporation to the applicant, stating that the petitioner relinquished 97.85 square meters land in favour of the Municipal Corporation out of 608.27 square meters. At that time, the road width was 35 meters, now the road width is 45-60 meters, upon which the respondent – Municipal Corporation is emphasizing. The said document also recorded that the remaining area of 510.42 square meters was affected area at the time when the road width was 35 meters. The learned counsel for the respondent – Municipal Corporation submitted that even as per the said communication, upon the road width increasing to 60 meters, the affected area would be more.

4. Relying upon the said document, the learned counsel for the applicant submits that this Court may consider modifying paragraph No.12 of the order dated 10th July 2025, passed in Writ Petition No.8367 of 2025, to add that the petitioner would be entitled to benefit of FSI / TDR to the extent of 97.85 square meters. It is further submitted that this Court may consider issuing direction to safeguard the rights of the petitioner with regard to further land that

may be required by the Municipal Corporation considering the road width now as 45-60 meters.

5. In response, the learned counsel for the respondent – Municipal Corporation submits that since the document issued by the Corporation dated 01st September 2007 itself states that land to the extent of 97.85 square meters was relinquished by the petitioner, the said details being stated in the order, of which the review is sought, is not opposed. But, with regard to the further relief claimed by the petitioner, it is submitted that this Court may only record a statement of the Municipal Corporation that if any further action is required, the Municipal Corporation shall proceed strictly in accordance with law.

6. In view of the above, the application is disposed of by directing that the following words shall be added at the end of paragraph No.12 in the order dated 10th July 2025 :

“The respondent – Corporation shall treat the area of 97.85 square meters as the basis for granting such benefit of FSI / TDR, in the event the petitioner applies for such benefit.”

7. Considering the fact that the order is being modified today, three months period stated in order dated 10th July 2025, shall start from today.

8. As regards the remaining area, the statement made on behalf of the respondent – Municipal Corporation is recorded that in the event further land of the petitioner is required, for executing the project of road widening, treating the width as 45-60 meters, the respondent – Municipal Corporation shall proceed strictly in accordance with law and that mandate of law, including the position clarified by this Court and the Hon'ble Supreme Court in various judgments, shall be followed in letter and spirit.

9. The application is disposed of in above terms.

10. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)