

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

CIVIL APPLICATION NO.8885 OF 2025

IN

WRIT PETITION NO.4963 OF 2016

WITH

WRIT PETITION NO.4963 OF 2016

Mukund Mohan Kurunbhatti and Another

VERSUS

The State of Maharashtra Through its Secretary and Others

.....

Shri. Mukul Kulkarni h/f. Shri. Gajendra L. Gujar,
Advocate for the Applicants

Shri. A. R. Kale, Addl. G. P. for the Respondent Nos. 1 to 3

Shri. P. S. Dige h/f. Shri. V. R. Dhorde, Advocate for the
Respondent Nos. 4 & 5

.....

CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : AUGUST 19, 2025

PER COURT :-

. This is the Application for amendment in the Petition to incorporate the paragraph nos.12A to 12C and prayer Clause AA.

2. It is submitted by learned Advocate for the Applicants that the main petition is for lapsing of reservation pursuant to Section 127 of the Maharashtra Regional and Town Planning Act (hereinafter referred to as the 'MRTP Act') and there are some developments which need to be brought on record and, therefore, this Application for amendment is moved. He submits that no prejudice would cause to the Respondents and amendment may not change the nature of the Writ Petition and the

same may be allowed.

3. The Application is vehemently opposed by the learned Addl. G. P. for Respondent Nos.1 to 3 and learned Advocate for the Respondent No.4 and 5. They submit that if we see the nature of the amendment, it completely changes the nature of the Writ Petition and therefore, it may not be allowed. They further submit that in the event this Court allows the Application, all the grounds available to the Respondents may be kept open.

4. We have heard both the sides. The Writ Petition is for orders in respect of lapsing of reservation under Section 127 of the MRTP Act. By way of the present Application, the Applicants - Petitioner wants to incorporate that, entry of reservation of Site No.41 was duly entered in the revenue record and the property was not reserved under the Development Plan of 1989-1990. Amendment as can be seen, pertains to the property in question, of which lapsing of reservation is prayed for. By way of prayer clause - AA, the Petitioner wants to pray that rereservation of the property is bad in law. In our considered view, the proposed amendment do not change the nature of the Writ Petition and hence, we pass the following order.

ORDER

(i) The Application is allowed in terms of prayer clause 'B'.

- (ii) Amendment be carried out within a period of two (2) weeks.
Copy of amended Petition be served on all the Respondents.
- (iii) All the grounds available to the Respondents are kept open to be
pleaded in their Additional Affidavit, if any.
- (iv) Application stands disposed off.
- (v) Petition be listed after the amendment is carried out, in urgent
category.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP